

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33011 of 2020

Arising Out of PS. Case No.-321 Year-2020 Thana- SIWAN CITY District- Siwan

TARKESHWAR CHAUDHARI, Son of Late Hari Charan Chaudhari
Resident of Village - Din Dayal Nagar, Turaha Tola, P.S.- Siwan Nagar Thana,
District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-03-2021 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Siwan Nagar P. S. Case No.
321 of 2020, dated 17.08.2020, instituted for the
offence under Section 30(A) of the Bihar Prohibition and
Excise Act, 2018.

A total of approximately 7.6 litres of liquor is
said to have been recovered from above the tin shed of
the toddy shop of the petitioner.

The learned counsel for the petitioner submits



that the roof top of the toddy shop cannot be said to be an enclosed space and therefore the recovery can not solely be saddled upon the petitioner.

The petitioner has no criminal antecedents.

Considering the nature of accusation against the petitioner, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Siwan, in connection with Siwan Nagar Thana P. S. Case No. 321 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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