

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35140 of 2020

Arising Out of PS. Case No.-271 Year-2020 Thana- GORAUL District- Vaishali

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VASAWAN RAI @ BASAWAN RAY Son of Late Shobhit Ray @ Shobhit
Rai Resident of Village - Akhiyatarpur Sehan, Ward No. -6, Jalalpur, Birbhan,
P.S. Goraul (Kathara O.P.), District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-01-2021 Heard learned counsel for the parties.

This application for regular bail arises out of Goraul (Katahara O.P.) P.S. Case No. 271 of 2020, disclosing offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

It is alleged in the First Information Report that on the secret information the police had proceeded to recover illicit Mahua wine and in that course, the persons seeing the arrival of the police had started fleeing away. They were apprehended by the police. The petitioner was also one of them. It is alleged that from behind the house of the petitioner and the motorcycle parked in front of the said house, the police recovered altogether 135 liters of Mahua liquor.



Learned counsel appearing on behalf of the petitioner has submitted that what has been alleged in the First Information Report is treated to be correct, the recovery is not from the conscious possession of the petitioner rather from a place which does not belong to the petitioner. He has further submitted that the motorcycle, which was recovered by the police also does not belong to the petitioner. The petitioner is in custody since 29.07.2020.

Considering the facts and circumstances, this application is allowed.

Let the petitioner above-named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in Goraul (Katahara OP) P.S. Case No. 271 of 2020.

(Chakradhari Sharan Singh, J)

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