

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38876 of 2020

Arising Out of PS. Case No.-161 Year-2020 Thana- PHULWARIA District- Begusarai

BIRJU CHAUDARY, S/o Ganga Chaudhary R/o village- Phulwaria 3, Ward
No. 2, P.S.- Phulwariya, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar

For the Opposite Party/s : Mr. Ajay Kumar No.2

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-10-2021 Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Excise Complaint Case No. 161C2 of 2019, registered
under Section 30(A) of the Bihar Prohibition and Excise Act,
2016.

Learned counsel appearing on behalf of the
petitioner submits that the recovery of alleged illicit liquor has
not been recovered from his conscious possession neither from
his house. However, he states that the recovery has been made
from the wife of the petitioner, who was carrying jarkin in her
hands. Learned counsel further points out that from the bare
perusal of the report under Section 78(4), dated 25.08.2020, it
is evident that the said recovery has been made at Fulwariya,



Ward No. 2. It is further submitted by the learned counsel for the petitioner that petitioner was not present at the time when the alleged illicit liquor was recovered from the possession of his wife.

Learned A.P.P. appearing on behalf of State, however, opposes the prayer of the petitioner and states that the recovery has been made from the conscious possession of the wife of the petitioner, as such complicity of the petitioner cannot be ruled out in illegal trade of illicit liquor.

Having perused the complaint and the report under Section 78(4), it appears that the petitioner was not present at the time of alleged seizure neither anything was recovered from his possession later on, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Complaint Case No. 161C2 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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