

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41144 of 2020

Arising Out of PS. Case No.-136 Year-2020 Thana- WAJIRGANJ District- Gaya

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JOGENDAR KUMAR @ YOGENDRA CHOUDHARY SON OF
BINESHWAR CHOUDHARY @ BINDESHWAR CHOUDHARY
RESIDENT OF VILLAGE- ANATHI, P.S.- WAZIRGANJ, DISTRICT-
GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary

For the Opposite Party/s : Mr. Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2021 Heard Mr. the learned Advocate for the petitioner

and the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Wazirganj P.S. Case No. 136 of

2020 instituted for the offences under Section 30(a) of the

Bihar Prohibition and Excise Act, 2016.

One motorcycle was intercepted and a person by

the name of Akhilesh Choudhary was arrested. From the

boot of the motorcycle, seven litres of locally brewed liquor

was recovered. The arrested accused person disclosed that

the motorcycle and the liquor belongs to the petitioner.

The learned counsel for the petitioner has



submitted that his implication in this case is only on the basis of statement of an arrested accused person. The registration number of the motorcycle has been provided in the F.I.R. but the petitioner has specifically made a statement that the vehicle does not belong to him. Thus, the only material against the petitioner in this case is the confession of an arrested accused person.

The petitioner does not have criminal antecedents.

On these grounds, it has been urged on behalf of the petitioners that no offence under the Excise Act can at all be said to have been made out against the petitioner.

For the reasons afore-stated, the petitioner, above named, 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya, in connection with Wazirganj P.S. Case No. 136 of 2020, subject to the condition laid down under Section 438



(2) of the Code of Criminal Procedure

(Ashutosh Kumar, J)

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