

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39634 of 2020

Arising Out of PS. Case No.-269 Year-2020 Thana- BAIRIYA District- West Champaran

Pappu Chaudhary Son Of Gokul Chaudhary Resident Of Village- Bhitahan,
Police Station- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra- Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-06-2021 Heard Mr. Brij Kishor Mishra, the learned Advocate

for the petitioner and Mr. Md. Aslam Ansari, learned APP for

the State.

The petitioner seeks bail in anticipation of his arrest in
connection with Bairiya P. S. Case No.269 of 2020, instituted
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

It is alleged in the first information report that the
police received a tip off that the petitioner has stored liquor in
his house. When the police arrived at the house of the petitioner,
he is said to have run away from there leaving behind a bag,
which on search was found to contain 11 litres of country-made
liquor.

Learned counsel for the petitioner has submitted



that the story does not inspire confidence in as much as the petitioner was not caught on the spot and appears to have been identified by the local villagers. There is no recovery from the house of the petitioner, but from outside of the house and it is alleged that the petitioner threw the bag and fled away. The petitioner does not have criminal antecedents. Learned counsel, therefore, submits that the accusation in the F.I.R. does not make out a case under the Excise Act as against the petitioner.

Considering the afore-noted facts, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Bairiya P. S. Case No.269 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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