

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40176 of 2020

Arising Out of PS. Case No.-177 Year-2020 Thana- HASPURA District- Aurangabad

Tapeshwar Chaudhary, Son of Ramchandra Chaudhary, Resident of Village-
Raghunath Bigha, P.S.- Haspura, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari- Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-06-2021 Heard Ms. Leelawati Kumari, 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 Haspura P. S. Case No.177 of 2020, instituted for the offences under Sections 30(a), (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

It has been reported in the F.I.R. that the houses of some of the villagers were raided from where *Mahua* liquor was recovered. With respect to the petitioner, it has been submitted that his house was locked, but from a clay house situated opposite to his house, five litres of *Mahua* liquor and fifty litres vessel was found.

Learned counsel for the petitioner has submitted that no recovery has been made either from the direct or constructive possession of the petitioner. Merely because, the



petitioner was also named before the informant on basis of secret information, an attempt has been made to frame him in this case. The house from where the recovery is said to have been made, is situated opposite the house of the petitioner and, therefore, the recovery cannot be saddled upon him.

Learned counsel for the petitioner has also stated that the petitioner has clean antecedents.

Considering the afore-stated 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 Additional District and Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Haspura P. S. Case No.177 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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