

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.796 of 2021

Arising Out of PS. Case No.-829 Year-2020 Thana- MADHAURAH District- Saran

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Prakash Nut, Son of Dinesh Nut, Resident of Village- Mirjapur, P.S.
Marhowrah, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv.

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 01-07-2021 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Marhowrah P.S. Case No. 829 of 2020, instituted for the offences under Sections 147, 341, 337, 353 and 504 of the Indian Penal Code and Sections 30, 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

The police party, on receiving a complaint about



blockading of road for the purposes of fishing, came across a place where the accused persons were brewing liquor. Near the house of one Raju Nut, raw materials were found by the police party which indicated that liquor was being brewed there. 10 litres of liquor is also stated to have been recovered from near the house of aforesaid Raju Nut. The local *Chowkidar* has informed the police that the petitioner also was one of the persons engaged in brewing local liquor.

It has been submitted on behalf of the petitioner that the accusation against him is only on the basis of stray statement made by the local *Chowkidar*, who had definite axe to grind against him. It has further been submitted that there is no recovery from the petitioner or from his house and that the petitioner does not have criminal antecedents. This demonstrates, it has been submitted, that the offence under the Excise Act cannot be said to have been made out against the petitioner.

Regard being had to the facts afore-stated, 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 2nd Addl. Sessions Judge-Cum-Special Judge, Excise, Siwan in connection with Marhowrah P.S. Case No. 829 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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