

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40673 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- BAGHA District- West Champaran

Dukhi Choudhary, Son Of Late Laljee Choudhary, Resident Of Village -
Bishambharpur, P.S. - Bhairoganj, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta- Advocate

For the Opposite Party/s : Mr. Binod Kumar No.2- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-06-2021 Heard Mr. Ashok Kumar Gupta, the learned Advocate
for the petitioner and Mr. Binod Kumar No.2, the learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Bagaha (Bhairoganj) P. S. Case No.93 of 2020, instituted for the offences under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the F.I.R., it appears that from the hut belonging to the petitioner, liquor and wherewithals for brewing liquor were recovered.

The learned counsel for the petitioner has submitted that from the body of the F.I.R., though it appears that the recovery is from a hut belonging to the petitioner, which has



been constructed in the field, but from the seizure list, it would appear that no particular place the recovery has been shown.

Apart from this, it has been submitted that the possibility of the same having been planted in the hut of the petitioner cannot be ruled out as the petitioner was not present in the hut.

Likewise, the learned counsel for the petitioner has submitted that the house does not appear to be inhabited by either the petitioner or his family members as there is no signature of any one of the relatives of the petitioner on the seizure list.

The petitioner does not have criminal antecedents.

It has, therefore, been urged that the offence under the Excise Act cannot be said to have been made out against the petitioner.

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 Special Judge, Excise, West Champaran, Bettiah in connection with Bagaha



(Bhairoganj) P. S. Case No.93 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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