

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22118 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- GURUA District- Gaya

LAVKUSH CHOUDHARY @ LAVKUSH KUMAR Son of Karu Chaudhary
R/o Village - Itahri, P.S.- Gurua, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Gurua P.S. Case No. 98 of 2023 dated 26.02.2023 registered for
the offence(s) punishable under Section(s) 30(a) of the Bihar
Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that though as per the FIR, the
alleged recovery of 69.61 litres of english wine is stated to have
been made from the house of this petitioner but the said house
is in joint possession of the family members of the petitioner
and the said recovery was not made from the conscious
possession of the petitioner who has been languishing in jail
since 27.02.2023 and against him, there is criminal antecedent



of one case in which he is on bail.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly custody period of petitioner and his plea that the house, from where the recovery of the alleged wine was made, is in joint possession of his family members, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail **after framing of charge, if the same has not been framed**, in connection with Gurua P.S. Case No. 98 of 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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