

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25310 of 2023

Arising Out of PS. Case No.-77 Year-2018 Thana- NAUTAN District- Siwan

Rekha Chaudhary @ Nand Kumar Chaudhary Son Of Late Kundan
Chaudhary Resident Of Village-Gambhirpur, P.S.-Nautan, District-Siwan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Nautan P.S. Case No. 77 of 2018 dated 01.05.2018 registered
for the offences punishable under Sections 272, 273 and
308/34 of the Indian Penal Code and Sections 30(a), 38(a)
and 41(1) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by learned
counsel for the petitioner are that the instant matter relates to
the recovery of 135 litres of *country made liquor* and the
same is stated to have been recovered from an *orchard* of two
co-accused persons namely Khedan Sah and Ratinath Sharma
with which the petitioner had no concern and he has been



made accused in this case mainly on the basis of information/disclosure made by local people gathered at the place of recovery and the said information showing the identity of the petitioner is completely unbelievable and the same has no evidentiary value. Further submissions are that against the petitioner, there is criminal antecedent of one case in which he is on bail and in the present matter, he has been languishing in jail since 13.03.2023 and the seizure list was not prepared in accordance with law and the provisions of Section 100 of Cr.P.C. were not followed at the time of search and seizure and against him, the investigation has been completed and the alleged liquor was not recovered from the petitioner's physical and conscious possession.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the facts that the alleged liquor is stated to have been recovered from an orchard of two co-accused persons named above and the petitioner was not apprehended at the place of recovery and against him, the investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be



enlarged on bail 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 in connection with
Nautan P.S. Case No. 77 of 2018 .

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

