

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28120 of 2023

Arising Out of PS. Case No.-227 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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BIPIN CHAUDHARY S/O LATE SUKO CHAUDHARY Resident of
Village- Manpur, P.S.- Halsi, District- Lakhisarai. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate
Mr. Bijay Kr. Pandey, Advocate
For the Opposite Party/s : Mr.Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Excise P.S. Case No. 227C2 / 2023 dated 06.03.2023 registered
for the offence(s) punishable under Section(s) 30(a) and 30(c) of
the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 30 litres of illicit wine as well as 120 kg. of
fermented *Jawa* and some utensils used in manufacturing of the
illicit liquor and the same are stated to have been recovered
behind the house of this petitioner and the said recovery was
not made from the conscious possession of this petitioner,
though against the petitioner, there are criminal antecedents of
two cases but he has got bail in both the said cases and there is



no independent witness of the alleged seizure of the wine and the provisions of Section 100 of Cr.P.C. were not followed by the raiding party and the petitioner has been languishing in jail since 06.03.2023 and against him, the investigation has been completed.

4. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record and also the completion of investigation against the petitioner, I deem it fit and proper to admit the petitioner to the privilege of bail.

6. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** in connection with Excise P.S. Case No. 227C2 - 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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