

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70608 of 2023

Arising Out of PS. Case No.-411 Year-2023 Thana- BARBIGHA District- Sheikhpura

Gadho Chaudhary Son Of Late Baudhu Chaudhary R/O Village- Narayanpur,
P.S.- Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Barbigha P.S. Case No. 411 of 2023 registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information that the petitioner is engaged in manufacturing illicit liquor in his house, conducted raid. However, noticing the police party, he managed to escape. In course of search, fifteen liters of country made liquor and some utensils meant for manufacturing liquor were recovered from the kitchen of his house.

4. Learned counsel for the petitioner submits that in fact the entire recovery has been made from a room situated



behind the house of the petitioner, which is easily accessible to anyone. Moreover, the recovered article which is alleged to be the utensils used for preparation of illicit wine, does not inspire confidence, as they were utensils for regular use of cooking foods. He further submits that the motive behind the false implication is the criminal antecedent of the petitioner, as he has earlier been implicated in three identical cases. He lastly submits that the person, who was apprehended in the house, namely, Mahesh Manjhi, did not disclose the name of the petitioner. Moreover, the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender, who has been found involve in three identical cases and the alleged recovery has been made from the Kitchen of his house.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the Kitchen is situated behind the house of the petitioner, which is easily accessible to all and the seizure list witnesses are none else but the police personnel, coupled with the undertaking given by the petitioner, let the above named petitioner, be released on bail, in



the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Exicse Judge, Sheikhpura in connection with Barbigha P.S. Case No. 411 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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