

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40390 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- SALAIYA District- Aurangabad

Laxman Chaudhry @ Lachu Chaudhary @ Lachuman Chaudhary S/o Bitthal
Chaudhary R/o village gajraj bigha P.S.-Saliya, District-Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Ms. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Saliya P.S. Case No. 12 of 2024 registered for the

offence under Section 30(c) of the Bihar Prohibition and

Excise Act (Amended), 2022.

3. The petitioner is named in the F.I.R. and is

in custody since 03.04.2024.

4. The allegation against the petitioner is to be

engaged in illegal manufacturing of illicit liquor, where,

there is a recovery of six quintals *Mahua* and utensils



used for making wine from the place of occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is falsely implicated with the present case as the recovery of the said *Mahua* appears to be made from different ditches of hilly areas, which is an open field which is accessible by general public, and it can be said safely that the recovery of *Mahua* was not made from the conscious physical possession of the petitioner. It is also pointed out that the petitioner was named in the present case only on the basis of suspicion and secret information without having any connecting evidence. While concluding the argument, it has been submitted that the petitioner is involved in one criminal case in which he is on bail. It is further submitted that the investigation is complete, where charge-sheet has been submitted, as such, there is not chance of tempering with the evidence.

6. Learned APP, opposes the prayer of bail.



7. Considering the facts and circumstances as mentioned above, as recovery of “*Mahua*” was made from an open place and not from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Saliya P.S. Case No. 12 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise- 1st, Aurangabad, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Sudha/-

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

