

In the court of 2nd Addl. Distt.and Sessions Judge, Sheikhpura.

Excise case no. 144/2019.
Sheikhpura p.s.case no.189/2019.

ORDER

17.07.2019. Surrender cum bail petition filed on behalf of the accused petitioner namely Chotu Chaudhary s/o Surendra Chaudhary in connection with Sheikhpura p.s.case no.189/2019, Excise case no.144/2019 registered for the offence u/s 30 (a) of Bihar Prohibition and Excise Act, 2016 pending in this court moved today.

Heard the learned lawyer for the petitioner and the learned A.P.P. for the state.

The prosecution case in brief is that on 29.04.2019 the informant ASI Shambhu Paswan received secret information that one person is selling country made liquor in the back of Maihar hotel. On such information the police conducted a raid and recovered three liters of country made liquor contained in two plastic bottle from the jhola. The accused petitioner on seeing police force fled away from the place of occurrence, accordingly, seizure list was prepared on the spot.

Heard the learned counsel for the petitioner and the learned A.P.P. for the state.

Heard both the sides and perused the case record. From perusal of the case record it appears that the allegation against the petitioner is that the police on secret information that one person is selling country made liquor. On such information police recovered three liters of country made liquor from the jhola kept in two plastic bottle. The petitioner filed Criminal Miscellaneous No.40975 for grant of anticipatory. The Hon'ble court vide order dated 03.07.2019 has been pleased to observe that :-

In view of the Full Bench decision rendered in the case of Ram Vinay Yadav v/s The state of Bihar , reported in 2019 (2) PLJR 1089, this application can not be maintained and is accordingly dismissed.

It appears, however, that the police had recovered three liters of country made liquor, which according to the case of the prosecution, belong to this petitioner.

Considering the small quantity of the liquor, if the petitioner surrenders before the court below within four week from today and seek regular bail, his application for regular bail shall be considered and disposed of on the same day.

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In the above mentioned facts and circumstances of the case and also in view of the positive observation made by the Hon'ble court passed in Criminal Miscellaneous no. 40975 of 2019 (2) stated that the accused petitioner against whom there is nothing on the record, that he has criminal antecedent is ordered to be released on bail after furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each. The accused/petitioner shall furnish an undertaking that he will not be involved in similar offences and if he does so, the privilege of bail granted to the petitioner shall be liable to be cancelled.

Dictated.

2nd A.D.J. Sheikhpura.
17.07.2019.