

In the Court of Exclusive Special Excise Judge, Sheikhpura.

B.P NO. 1208/2023

Excise P.S Case No. 590/2023

(i) Rajesh Chaudhary, S/o Heera Chaudhary, aged about 30 years, resident of village Tiyya Ward No. 13, P.S. Karandey & District Sheikhpura.

.....Accused/petitioner.

Versus

The State of Bihar.....O.P.

APPEARANCE

For the petitioner.....Sri Himanshu Shekhar, Advocate.

For the State.....Sri Sanjay Kumar,
Spl. P.P.

ORDER

16.08.2023 Bail petition filed on behalf of accused/petitioner namely Rajesh Chaudhary, who is in judicial custody since 09.08.2023 in connection with Excise P.S Case No. 590/2023 registered for the offence punishable U/s 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018 pending in this Court moved today by his learned lawyer.

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

The prosecution story in brief is that on 08.08.2023 the informant got secret information that in village Tiyya Ward No. 13, one person namely Rajesh Chaudhary, S/o Heera Chaudhary is doing business of countrymade liquor. After receiving this information, informant gave information to the higher authority and formed a team for conducting raid and in the evening informant reached near the place of occurrence and saw that on seeing the Police personnel, accused person having white colour plastic bottle tried to flee away but with the help of Police personnel, accused was apprehended. On query, he told his name as Rajesh Chaudhary, S/o Heera Chaudhary, aged about 30 years, resident of village Tiyya Ward No. 13, P.S. Karandey & District Sheikhpura and search was made by police personnel and recovered 02 liters countrymade liquor. Accordingly, seizure list was prepared on spot. Arrest memo

and seizure list was prepared. No any independent or local witness became to ready witness. Seizure and arrest was done at the place of occurrence as per law. So, it was prayed for taking legal action against the accused.

The learned lawyer for the petitioner submitted that petitioner is quite innocent and has not committed any offence and he has been falsely implicated in this case. The learned counsel for the petitioner also submitted that accused/petitioner has not moved his application for bail either anticipatory or regular before this court or the Hon'ble High Court, Patna. The learned counsel for the petitioner further submitted that except this case, one excise case is pending against the accused petitioner i.e Excise Case No. 301/2017 and there is no independent witness of seizure list so the case is full of doubt. The learned counsel for the petitioner submitted that nothing has been seized from the possession of the accused/petitioner and accused petitioner is a sole earning member of family. The learned counsel for the petitioner submitted that petitioner is ready to obey each and every directions of this Court, accordingly prayer for bail has been made.

The learned A.P.P. for the State vehemently opposed the prayer of bail and submitted that there is sufficient material available on record against the accused petitioner, accordingly prayer has been made to reject the bail petition filed on behalf of the accused/petitioner as named above.

Heard both the sides and perused the case record. From the perusal of case record. It appears that there is recovery of 02 liter illicit liquor from the place of occurrence. It has been mentioned in para no. 03 of bail application that except this case, one excise case is pending against the accused petitioner i.e Excise Case No. 301/2017 but in this case, I.O. has not submitted any criminal antecedents against the accused petitioner. Accused petitioner is languishing in judicial custody since 09.08.2023. Considering the above mentioned facts and circumstances of the case as well as small quantities of liquor, bail petition of the accused petitioner stands allowed on bail after furnishing bail bond of Rs. 10,000/- with submission of two sureties of the like amount each with a condition that one of the bailor shall be close relative of the accused petitioner.

Exclusive Special Excise Judge,

Sheikhpura

16.08.2023