

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 34997 of 2014

Arising Out of PS.Case No. -366 Year- 2012 Thana -SAKRA District- MUZAFFARPUR

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Raj Kumar Chaudhary @ Raju Chaudhary S/o Sri Ram Chandra Chaudhary
Resident of Village- Dardha Chouraj, Mohammadpur Badal, P.S.- Sakra,
District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

4 28-04-2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Sakra P.S.
Case No. 366 of 2012 dated 10.10.2012 instituted under
Sections 272/273 of the Indian Penal Code and 47A of the
Bihar Excise Act, 1915.

The allegation against the petitioner as per the
F.I.R. is that the liquor seized was to be delivered at the shop
of the petitioner.

Learned counsel for the petitioner submits that
he has no shop at the place which has been described in the
F.I.R. much less liquor shop and in support of the same, he
has annexed copy of licence for the said period in the name of
one Anil Kumar Singh at the place where it is alleged that the
delivery was to be made. Learned counsel submits that the

petitioner has neither any shop at any place nor is in the business of liquor and has been falsely implicated to save the real culprit.

Learned A.P.P., upon going through the case diary, opposes the prayer for anticipatory bail. It is submitted that the place where the liquor was loaded, the petitioner was present as has been stated by two witnesses and thus it is immaterial whether on record and officially the petitioner has a shop or not. It is further submitted that the petitioner also has criminal antecedent under various Sections of the Indian Penal Code as well as Copy Right Act.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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