

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No. 37699 of 2018**

Arising Out of PS. Case No.-26 Year-2018 Thana- Baghaila District- Rohtas

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Rupesh Chaudhary, S/o Lalan Chaudhary @ Lalan Singh, Resident of  
Village- Karan, P.S. Baghaila, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar Singh  
For the Opposite Party/s : Mr. Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2. 03-07-2018 Heard Sri Santosh Kumar Singh, learned counsel  
for the petitioner and Sri Binod Kumar, learned Addl. Public  
Prosecutor.

The sole petitioner, apprehending his arrest in  
Baghaila P.S. Case No. 26 of 2018 registered for offence under  
Sections 30(a)/32(i)(2)/38(i)/41(i)/47 of Bihar Prohibition and  
Excise Act, 2016, has prayed for grant of anticipatory bail.

Learned counsel for the petitioner submits that in  
this case, from one Maruti Ertiga car, huge quantity of Indian  
make foreign liquor was recovered and from a wheat field also,  
there was recovery, but petitioner has been made accused on the  
basis of confessional statement of co-accused. By way of  
referring to statement made in paragraph – 9 of the petition, it  
has been emphasized that petitioner is neither owner of the said



car nor wheat field and as such, petitioner deserves to be released on anticipatory bail.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail.

Besides hearing, I have also perused the material on record, particularly; statement made in paragraph – 3 of the petition, which indicates that petitioner is accused in following cases:-

- (i) Nasriganj P.S. Case No. 152 of 2006 under Section 392 I.P.C.,
- (ii) Nasriganj P.S. Case No. 156 of 2006 under Sections 392/412 I.P.C. and
- (iii) Bikramganj P.S. Case No. 72 of 2009 under Section 394 I.P.C.

I am of the opinion that Section 438 of the Cr.P.C. is not made for such person, who is having such criminal antecedent.

The petition stands dismissed.

**(Rakesh Kumar, J.)**

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