

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10953 of 2019

Arising Out of PS. Case No.-459 Year-2018 Thana- JAKKANPUR District- Patna

SATRUGHAN CHOUDHARY, Son of Late Suresh Choudhary, Resident of
Chandpur Bela, Old Jakkanpur, P.S-Jakkanpur, Dist.-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Special Case No.9170 of 2018, arising out of Jakkanpur P.S. Case No.459 of 2018, registered for the offences punishable under Section 273/34 of the Indian Penal Code and Sections 30(a)/38/41 and 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner at the outset submits that the petitioner is a student having clean antecedent and he has no connection with the recovery of illicit liquor. It is submitted that the house in question is a joint Hindu family house and there are other members of the family, therefore, it cannot be said to be a recovery of illicit liquor from the conscious possession of this petitioner. Learned counsel submits



that the career of the petitioner is required to be saved because if he goes behind the bar, his study and all other future career may be affected.

Learned APP for the State is present and has opposed the prayer for anticipatory bail.

In the given facts and circumstances of the case since there is a recovery from the house in question which is said to be a joint family house, this Court is not extending the benefit of anticipatory bail to the petitioner, but taking note of the submissions that the petitioner is a student of intermediate and he is not the only member in the house, this Court is of the considered opinion that if the petitioner surrenders and prays for regular bail within four weeks from today in the court below together with the documentary evidences showing that he is a student pursuing his study in intermediate or any other class from a college or university, the court below shall consider his request for grant of regular bail on the same day and shall dispose it of keeping in mind that the petitioner is a student. The court below shall consider the circumstance where it is submitted that he is not the only member in the family and is a student whether sending the petitioner behind the bar would be just and proper.



This application stands disposed off with the
observations and directions made above.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

