

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13970 of 2019**

Arising Out of PS. Case No.-256 Year-2018 Thana- BUNIYAD GANJ District- Gaya

Sharwan Chaudhari, S/o Nathun Chaudhari Village-Alipur, P.S-Buniyadganj,
Distt.-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Asha Kumari

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 07-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, is to the effect that from a vacant land, 12 litres of country made illicit Mahua liquor were recovered. The petitioner is alleged to have escaped from the place of seizure on seeing the police party.

It is submitted by learned counsel for the petitioner that recovery has not been from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the petitioner is alleged to have escaped from the place of seizure.

Considering the fact that prosecution case does not suggest that the recovery has been made from the conscious physical possession of the petition, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Gaya in connection with Buniyadganj P.S. Case No. 256 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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