

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20225 of 2019**

Arising Out of PS. Case No.-200 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Bijoy Chaudhary @ Bijay Chaudhary @ Vijay Chaudhary, S/o Late Dillo
Chaudhary, R/o village- Govindpur Dih, P.S.- Govindpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Opposite Party/s : Mr. Ashok Kumar Singh

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

2 12-04-2019 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offence punishable under Sections 47(a) (f) of the Bihar
Excise Act, 1951.

The prosecution case is that from the house of the
petitioner, 120 litres of country made liquor and 360 kg of
fermented Mahua were recovered.

It is submitted by learned counsel for the petitioner that no
summons were given to the petitioner and notices were issued
after cognizance being taken in 2015. The recovery has been
made from the joint family house of the petitioner hence, the
recovery cannot be treated from his conscious physical



possession. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the recovery has been made from the house of the petitioner.

Considering the fact that the case has been registered under the old Excise Act, but since the case was registered in the year 2015, this Court is not inclined to grant privilege of anticipatory bail to the petitioner in connection with **G.O. Case No.200 of 2015/1491 of 2017(Ex.3424 of 2017)** pending in the Court of learned **A.D.J.-II-cum-Special Judge, Nawada.**

However, it is a case for consideration of regular bail of the petitioner by the learned Court below, if he surrenders before the learned Court below, within a period of six weeks.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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