

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40815 of 2019

Arising Out of PS. Case No.-120 Year-2019 Thana- WARISLIGANJ District- Nawada

BIPIN CHAUDHARY, Son of Krishna Chaudhary Resident of Village -
Mohiudinpur, P.S.- Warisaliganj, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Satendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-07-2019 Heard learned counsel for the parties.

The petitioner apprehends his arrest in connection with Warisaliganj P.S.Case No. 120 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that police, upon receiving information that some people were selling liquor at Simari More, arrived there and found some persons fleeing away and one of the persons was caught by police party with 05 litres Mahua liquor from Simari More. Arrested person disclosed the name of the petitioner that same was brought from the petitioner, Bipin Chaudhary.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as his name



has surfaced on the basis of confessional statement made by the arrested co-accused and further that no recovery of any illegal liquor has been made by the police from the premises or conscious possession of the petitioner and from perusal of FIR, no *prima facie* case is made out against the petitioner. He further submits that petitioner has got no criminal antecedent.

After having heard learned counsel for the parties and upon perusal of the seizurelist as well as the material available on record, it appears that 05 litres of illegal Mahua liquor was recovered by the police from the road side at Simari More and the name of the petitioner has occurred on the basis of confessional statement made by the arrested co-accused and there is no recovery of liquor from the possession of the petitioner. Upon perusal of FIR, no *prima facie* case is made out against the petitioner. Accordingly, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned ADJ-II-cum- Special Judge, Nawada in connection with Warisaliganj P.S.Case No. 120 of



2019; subject to condition as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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