

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39177 of 2019

Arising Out of PS. Case No.-54 Year-2019 Thana- DARAUNDA District- Siwan

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Tuntun Chaudhary @ Tuntun Son of Late Indrajeet Chaudhary Resident of
Village- Ragadganj, P.S.- Duraundha, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-06-2019 The petitioner apprehends his arrest in connection with

Daraundha P.S.Case No. 54 of 2019 registered under Sections

30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is that patrolling party,
on the eve of Holy, got secret information that petitioner is
indulged in business of illegal trade of liquor in the village
Ragadganj, reached there and on seeing the police party, three
persons tried to flee away, out of which one person was
apprehended who disclosed her name as Rohini Devi and also
disclosed the name of petitioner. On search, police recovered 25
litres of country made liquor from the house of Rohini Devi.

Submission of learned counsel for the petitioner is that
petitioner has falsely been implicated inasmuch as his name
occurred on the basis of statement of co-accused Rohini Devi
and recovery of liquor was not made from the conscious



possession of the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and upon perusal of the materials on record, it appears that petitioner is son of Rohini Devi residing in the same house from where liquor in question was recovered. Further petitioner was also an accused in another case i.e., Daraunda P.S.Case No. 133 of 2017 registered under Sections 272 and 273 of Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act, 2016. Since the petitioner has got criminal antecedent and his mother has also taken his name and the fact that he is residing with his mother, I am not inclined to exercise my jurisdiction under Section 438 of the Cr.P.C. for grant of anticipatory bail. Accordingly, application for anticipatory bail is rejected.

However, if petitioner surrenders before the court below within a period of three weeks, the learned Special Court shall consider his application for regular bail on the same day, in accordance with law, without being prejudiced by this order,

(Anil Kumar Sinha, J)

sujit/-

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