

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41629 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- SANDESH District- Bhojpur

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Ravi Kumar Choudhary @ Ravi Chaudhary, son of Late Raj Kumar Choduhary, Resident of Village - Sandesh, P.S.- Sandesh, District- Bhojpur
... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-07-2019 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with Sandesh P.S. Case No.95 of 2019, Excise Case No.946 of 2019 for the offence punishable under Sections 353, 504, 506 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that upon seeing the police patrolling party, 6-7 persons tried to flee away and upon chase police party caught one person, namely, Rajnath Chaudhary and 45 litres Mahua wine was recovered from the possession of arrested persons. Arrested accused person disclosed the name of petitioner and four unknown persons who fled away.

Learned counsel for the petitioner submits that from perusal of the First Information Report and seizure list, it transpires that the said illegal liquor was recovered from the public place near



the Sandesh Some river and not from conscious possession of the petitioner. Accordingly, he submits that no prima case is made out against the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing for the State and taking into consideration the fact that recovery has not been made from the conscious possession of the petitioner and the same has been recovered from a public place near the Sandesh Some river. Accordingly, from perusal of the First Information Report and the seizure list, no prima facie case is made out against the petitioner. As such, I am inclined to grant anticipatory bail to this petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 4th Addl. Sessions Judge-cum-Special Excise Act, Bhojpur at Ara, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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