

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44609 of 2019**

Arising Out of PS. Case No.-85 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Samastipur

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KASHI CHOUDHARY @ KASHI NATH CHOUDHARY, Son of Late Raj  
Narayan Choudhary, Resident of Village - Chandauli Ward No. 3 P.S.- Tajpur,  
Distt - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr.Dilip Kumar Roy  
For the Opposite Party/s : Ms.Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

2      19-07-2019                      Petitioner seeks bail in anticipation of his arrest in  
  
connection with Excise Case No. 85 of 2019 registered for the  
  
offence punishable under Section 30(a) of Bihar Prohibition and  
  
Excise Act pending in the court of Additional Sessions Judge-II-  
  
cum-Special Judge, Excise, Samastipur.

Allegation as per report of Excise Inspector is that on  
  
confidential informant he raided the house of the petitioner as  
  
well as house of his uncle and recovered liquor from there.

Submission of learned counsel for the petitioner is  
  
that nothing has been recovered from his house or from his  
  
possession, rather recovery has been made from the abandoned  
  
house of his uncle and he has no criminal antecedent.

Heard learned APP, who has opposed the prayer for



anticipatory bail stating that column-7 of the report disclosed that recovery is from the house of the petitioner as well as from the house of his uncle. However, from column-6 it appears that the recovery is from the uncle of the petitioner, which is under the control of the petitioner and as such there is prima facie case against the petitioner.

In view of above facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, this application is dismissed.

**(Vinod Kumar Sinha, J)**

spal/-

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