

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46958 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- PALI District- Jehanabad

ANIL CHAUDHARY Son of Suresh Chaudhary Resident of Village -
Salempur, P.S.- Pali, Distt - Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajeet Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-07-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Pali Police Station Case No. 40 of 2019, disclosing offences under Sections 30 (a) and 30 (d) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police raided the house of the petitioner and recovered 600 litres of jawa mahua (country-made liquor), buried in the cow-shed of the house of the petitioner.

Learned Counsel for the petitioner submits that the petitioner is innocent having no criminal antecedent and the alleged place of recovery, i.e. the cow-shed, is situated in the open space and as such it cannot be said that the illicit liquor has



been recovered from the conscious possession of the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the cow-shed of the petitioner’s house, which is situated inside his house, and in view of the Full Bench decision, passed in Criminal Appeal (S.J.) No. 431 of 2019, I am not inclined to exercise my discretion for grant of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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