

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49811 of 2019

Arising Out of PS. Case No.-311 Year-2019 Thana- NAUBATPUR District- Patna

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Anil Chaudhari @ Anil Kumar Chaudhari Son of Late Lapedu Chaudhari
Resident of Village - Chainpur Dariyapur, P.S.- Naubatpur, District- Patna
-801109

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indra Mohan Kumar

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 08-08-2019 Head learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Naubatpur P.S. Case No. 311 of 2019, registered under
Sections 30(a) and 38(ii) of the Excise Act.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case and from perusal of the seizure list it would be evident that
the exact position of the place from where the illicit liquor was
recovered has not been disclosed in the seizure list. Learned
counsel further submits that the same witnesses Upendra
Paswan and Ravi Kumar have signed all the seizure lists
including the seizure list prepared for the recovery allegedly



made from the house of the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that illicit liquor has been recovered from the house of the petitioner, accordingly, in view of Full Bench Judgment passed in **Cr. Appeal (S.J.) No. 431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C. As such the present anticipatory bail application is rejected.

However, if the petitioner surrenders before the Court below within a period of four weeks from today and seeks regular bail, the learned Court below shall consider his application for regular bail on the same day without being prejudiced to the fact that the present application has been rejected by this court.

(Anil Kumar Sinha, J)

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