

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52604 of 2019**

Arising Out of PS. Case No.-237 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

DHANJI CHAUDHARY @ DHANANJAY KUMAR Son of Ram Chandra  
Chouhan Resident of Village - Kanchanpur (Dehara), P.S.- Obra, District-  
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Kumar Mishra

For the Opposite Party/s : Mr.Suresh Prasad Singh

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

3      27-08-2019                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Sasaram (Mufassil) Police Station Case No. 237 of 2018,  
disclosing offences under Sections 30 (a)/34 of the Bihar  
Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First  
Information Report, is that the police, on the basis of a secret  
information that the petitioner, along with others, was carrying  
illicit liquor on a Hero Honda Splendor motorcycle, intercepted  
the petitioner and another, but both the persons, riding on the  
motorcycle, succeeded in fleeing away, leaving the motorcycle  
at the place of occurrence and upon search, the police recovered



900 ml. of illicit liquor kept in the dickey of the motorcycle.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case with oblique motive inasmuch as the motorcycle, which was allegedly left by its riders, does not belong to the petitioner and in support of this submission, the petitioner has filed supplementary affidavit, stating therein that the motorcycle does not belong to the petitioner and the same belongs to co-accused Guddu Kumar, who is brother-in-law of the petitioner. He, thus, submits that no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to the petitioner.

After having heard learned Counsel for the parties and taking into consideration the fact that the motorcycle does not belong to the petitioner and further no illicit liquor has been recovered from the conscious possession of the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Dhanji Chaudhary @ Dhananjay Kumar, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2<sup>nd</sup> Additional



Sessions Judge -cum- Special Judge, Rohtas, at Sasaram, in connection with Sasaram Mufassil Police Station Case No. 237 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions as well as if the petitioner is indulged in similar nature of offence, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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