

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52577 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- PHULWARIA District- Begusarai

RAHUL KUMAR @ RAHUL KUMAR CHAUDHARY S/o Baleshwar
Chaudhary R/o village- Shokhara- 01 Ward no.- 06, P.S.- Phulwaria, Distt.-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Phulwaria Police Station Case No. 48 of 2019, disclosing
offences under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the police, on a secret information
that the petitioner along with others, are indulged in the trade of
illicit liquor, proceeded towards the place of occurrence and
upon seeing the police, out of four persons, three managed to
escape, but one person, Raju Kumar, was apprehended by the
police and upon search of his bag, the police recovered 5.025



litres of illicit liquor kept in 16 bottles.

Learned Counsel for the petitioner submits that the petitioner has got no criminal antecedent and has falsely been implicated in this case on the basis of the secret information received by the police through spy.. He further submits that from perusal of the First Information Report, it is evident that illicit liquor has been recovered from the bag of one Raju Kumar and not from the conscious possession or house or premises belonging to the petitioner. He further submits that upon perusal of the First Information Report, no *prima facie* case is made out against the petitioner under the Act.

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

Let the petitioner, Rahul Kumar @ Rahul Kumar Choudhary, 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 2nd Additional Sessions Judge -cum- Special Judge,. Excise, Begusarai, in connection with Phulwaria Police Station Case No. 48 of 2019, 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, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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