

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52309 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- GURUA District- Gaya

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Ajoy Chaudhary, S/o Mahabir Chaudhary R/o Village- Jaipur, P.S.- Gurua,
Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha

For the Opposite Party/s : Mr.Pushpa Sinha. 1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Gurua P.S. Case No.149 of 2019 for the offence punishable
under Section 30(a) of Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the police
upon information that petitioner was indulged in selling of illicit
liquor proceeded towards the village Tekha Ajad Bigha and
when the police party reached there, they wanted to raid in a
hut type varanda and in the meantime, after seeing the police
party, one person started fleeing away from the hut. The police
tried to catch the person but he succeeded in fleeing away and
upon raid 10 litres of illicit Mahua liquor was recovered from
the hut in question.



Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case mainly on the statement of Chowkidar. Learned counsel further submits that from perusal of the FIR and seizure list, it is evident that the alleged hut does not belong to the petitioner. Learned counsel further submits that petitioner is not owner of the hut and does not have any concern to the same. Accordingly, submission is that the illicit liquor has not been recovered from the conscious possession or the premises belonging to the petitioner. As such, no prima facie case under the Excise Act is made out against 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 not been recovered from the premises belonging to the petitioner or from conscious possession of the petitioner and the petitioner has got no criminal antecedent, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, is directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by him, he shall be released on anticipatory bail by the Court below upon



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Gaya, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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