

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58901 of 2019

Arising Out of PS. Case No.-181 Year-2018 Thana- SAHEBPUR KAMAL District-
Begusarai

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Sibo Chaudhary @ Sipo Chaudhary Son of Late Mino Chaudhary Resident of
Village - Bahadur Nagar, P.S. - Muffasil, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsels for the petitioner and the

State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 414 and 120B/34 of the IPC and Sections 30(a), 32(3), 34(B), 36, 38(2) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from a Bolero pickup van, and a Maruti car parked near the vacant land of the petitioner, 452 litres and 176 litres of Indian Made Foreign Liquor, respectively were recovered, while from the new constructed house of co-accused, Chandan Chaudhary, 124 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that



recovery has not been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.8 of the petition that the petitioner is not having any concern with the alleged vehicles. It is further submitted that co-accused, Chandan Chaudhary, from whose house, illicit liquor were recovered, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide order dated 01.11.2018, passed in Cr. Misc. No. 56382 of 2018, while co-accused, Mantun Choudhary and Ranjeet Choudhary have been granted anticipatory bail by a co-ordinate Bench of this Court, vide order dated 07.09.2018, passed in Cr. Misc. No. 55799 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that from the Bolero pickup van and Maruti car parked near the land of the petitioner, recovery of illicit liquor has been made.

Considering the nature of accusation and the fact that other co-accused accused persons, including Chandan Chaudhary, from whose house recovery has been made, have been granted anticipatory bail by different Benches of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent,



let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned ADJ-II, Begusarai in connection with Sahebpur Kamal P.S. Case No. 181 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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