

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60747 of 2019

Arising Out of PS. Case No.-117 Year-2019 Thana- DAWATH District- Rohtas

Babudhan Chaudhary @ Babudhan Kumar, Son of Ramchandra Chaudhary
Resident of Village - Janakpur, P.S.- Dawath, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Dawath P.S. Case No.117 of 2019, for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner is that the police on
secret information proceeded towards the place of occurrence and
recovered a total quantity of 11.52 litres of illicit liquor beside the
grocery shop of the petitioner under the heap of paddy.

Learned counsel for the petitioner submits that petitioner
has got no criminal antecedent and has falsely been implicated in
this case inasmuch as from perusal of the First Information Report,
it would be evident that the illicit liquor has been recovered from an
open space which is situated beside the grocery shop of the
petitioner and illicit liquor was kept under heap of paddy where



cattles are being kept. Learned counsel further submits that no recovery has been made from inside the shop of the petitioner or from conscious possession and the place, from where the illicit liquor has been recovered, is open to all.

Having regard to the submissions made by the parties and taking into consideration the fact that petitioner has got no criminal antecedent and illicit liquor has not been recovered from the conscious possession or inside the shop of the petitioner, 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 Judge, Excise, Rohtas at Sasaram, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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