

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65620 of 2019**

Arising Out of PS. Case No.-251 Year-2019 Thana- KHIJARSARAI District- Gaya

SARJU CHAUDHARY @ SOORAJ CHAUDHARY @ MINI KUMAR
CHAUDHARY son of Barho Chaudhary, resident of Horma P.S. Khizarsarai,
District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Opposite Party/s : Mr. Arun Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 14-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that one Mini Kumar
Chaudhary prepares wine and sells it, a raid was conducted and
arrested the Mini Chaudhary and in presence of the witnesses,
the house of the accused persons searched and 5 litres wine in a
gallon of 10 litres and 4 Dobha Phuta Huwa Mahua flower were
recovered from straw which was situated in front of the house of
the accused person. Accordingly, a seizure list was prepared.



Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather it is recovered from the straw (Newari). He further submits that petitioner has no criminal antecedent.

In the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner, subject to deposit of Rs. 5000/- in the court below and on deposit of the aforesaid amount, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge, Gaya in connection with Khizarsarai Police Station Case No. 251 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Such deposit of Rs. 5000/- shall abide by the outcome of the criminal case.

(Anjani Kumar Sharan, J)

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