

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69845 of 2019

Arising Out of PS. Case No.-209 Year-2019 Thana- DARAUNDA District- Siwan

Raju Chowdhary, Son of Late Arjun Chowdhry, Resident of Village - Dibbi,
P.S.- Daraunda, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bishwajeet Singh

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a) and 38 of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on a secret information that the petitioner and one Yadu Lal Choudhary are indulged in trafficking liquor, a raid was laid and from the bamboo clump adjacent to the house of the petitioner, 21.765 litres of Indian Made Foreign Liquors were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner and the bamboo clump from where the recovery was made, does not belong to the petitioner. Statement to that effect has been made in paragraph 10 of the



petition, which reads as follows:-

“That the alleged bamboo cluster is about 100 feet away from the house of the petitioner and belongs to some Mehto’s of the village and not of the petitioner.”

A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the bamboo clump adjacent to the house of the petitioner.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner and statement being made in paragraph 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 or 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 the like amount each to the satisfaction of learned Additional Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Daraunda P.S. Case No. 209 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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