

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69242 of 2019

Arising Out of PS. Case No.-110 Year-2019 Thana- EKMA District- Saran

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DINANATH CHOUDHARY Son of Late Vishwanath Chaudhary Resident of
Village- Shobhitpur, P.S.- Janta Bazar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-12-2019 Heard learned counsel for the parties.

Petitioner apprehend his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accusation is that in course of checking of the vehicle, Truck No. UP23T-5454 was stopped and driver of the truck tried to flee away, but on chase he was apprehended, who disclosed his name as Kulbir. On search of the truck, 280 cartons, each containing 48 bottles of 180 ML, 96 carton, each containing 12 bottle of 750 ML, Indian made foreign liquor was



recovered. The apprehended person also disclosed that he has carried the alleged liquor from Haryana and was to be unloaded at the house of Sudama Rai, Krishna Mohan Mahraj, Dharmendra Mishra, Banti Mishra and Dinanath Choudhary.

Learned counsel for the petitioner submits that name of the petitioner surfaced in this case on the basis of confessional statement of Kulbir, driver of the truck from where the alleged Indian made foreign liquor is said to have been recovered. Nothing has been recovered from the possession of the petitioner. Petitioner has neither been apprehended from the spot nor any illicit liquor has been recovered from his possession and has been implicated in this case due to animosity and village rivalry. No offence under excise act is made out. Similarly, situated co-accused person has been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 23.09.2019 in Criminal Miscellaneous No. 59949 of 2019. Petitioner has got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail in the event of his/her arrest or surrender before the court below within a period of four weeks from today upon furnishing bail bond of Rs. 20,000/- with two sureties of the like



amount each to the satisfaction of learned court below where the case is pending, in connection with **Ekma P.S. Case No. 110 of 2019**, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

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