

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71782 of 2019**

Arising Out of PS. Case No.-218 Year-2019 Thana- KARAHGAR District- Rohtas

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Arun Chaudhari, Son of Sudama Choudhari, Resident of Village - Rampur,
P.S.- Kargahar, Dist.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad

For the Opposite Party/s : Mr.Ajay Kumar Jha

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**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 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged that two litres of country made illicit liquor were recovered from a bamboo clump. It is alleged that the seized liquor was concealed by the petitioner in the bamboo clump.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical



possession of the petitioner rather the recovery has been made from open area and bamboo clump does not belong to the petitioner, statement to that effect has been made in paragraph 7 of the petition, which reads as follows:-

“That also from perusal of the seizure list it is evident that the recovery was made at village – Rampur in north side of Basbari not the house of the petitioner or possession 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 on secret information that the petitioner has concealed the liquor, raid was laid and recovery was made and he is named in the FIR.

Considering the fact that the recovery has been made from open area 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Rohtas at Sasaram



in connection with Kargahar P.S. Case No. 218 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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