

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76369 of 2019

Arising Out of PS. Case No.-966 Year-2019 Thana- NAWADA District- Nawada

MAHENDRA CHAUDHARY Son of Late Maghan Chaudhary Resident of
Village- Nanaura, P.S.- Town (Nawada), District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 27-11-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Town (Nawada) Police Station Case No. 966 of 2019, disclosing offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police, on secret information that some persons are indulged in the trade of illicit liquor, proceeded towards the place of occurrence and recovered semi-manufactured illicit liquor kept in five drums, having a quantity of 250 litres, which were destroyed by the police and 40 litres of illicit liquor kept in two plastic jerrycans. The name of the petitioner has been disclosed by the seizure list witnesses.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of his name being disclosed by the seizure list witnesses. He further submits that no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him inasmuch as from perusal of the seizure list, it would be evident that illicit liquor has been recovered from bush, near aahar of Nanaura village. He further submits that co-accused, Binod Choudhary, has been granted anticipatory bail by this Court, by order, dated 24.10.2019, passed in Criminal Misc. No. 67066 of 2019.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or the premises belonging to him, his name has been disclosed by the seizure list witnesses and co-accused person has already been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, Mahendra Choudhary, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond 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, Nawada, in connection with Town (Nawada) Police Station Case No. 966 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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