

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80324 of 2019

Arising Out of PS. Case No.-135 Year-2019 Thana- DHANSOI District- Buxar

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DUNIYA CHOUDHARY Son of Shivbhajju Choudhary Resident of Village -
Parsada, P.S.- Dhansoi, Distt - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Md. Nazir Ansari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Dhansoi P.S. Case
no. 135/2019 registered under section 30(a) of the Bihar Prohibition
and Excise Act.

It is submitted by counsel for the petitioner that no recovery
has been made from the petitioner. He further submits that recovery
whatsoever made from abandon house of the petitioner is not in
accordance with law. Petitioner is not residing at the premise from
which recovery has been made as he has been residing separately
since 2013.

House from which recovery has been made is a joint family
property. In such circumstance, no case whatsoever is made out
against the petitioner under Bihar Prohibition and Excise Act.

Learned A.P.P. opposes the prayer by referring to section



76(2) of the Act.

Considering the rival submissions for limited purpose of anticipatory bail, this court is inclined to accept the submission of counsel for the petitioner. Application is allowed.

In the event of arrest/ surrender within four weeks from the date of receipt of a copy of the order in the court below, petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge II-cum- Special Judge Excise, Buxar in Dhansoi P.S. Case no. 135/2019 subject to the condition under section 438(2) Cr.P.C and other conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

s.hassan/-

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