

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81779 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- JAMOBABAZAR District- Siwan

Prakash Chaudhary, Son of Shevnath Chaudhary, Resident of Village - Jamo
Bazar, P.S.- Zamo Bazar, Distt – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2019 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, 308/34 of the Indian Penal Code, 1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that on secret information that certain persons have brought liquor, a raid was conducted, when on seeing police party, three persons escaped from the scene including the petitioner and from the road side, 48.750 litres of India Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled. Prima facie, no recovery has been made from



conscious physical 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 the recovery has been made from road side when the petitioner and others found fleeing away.

Considering the fact that the accusation, prima facie, does not suggest the recovery from 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Siwan in connection with Jamo Bazar P.S. Case No. 174 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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