

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84423 of 2019

Arising Out of PS. Case No.-728 Year-2019 Thana- ALAMGANJ District- Patna

Ashoka Choudhary @ Ashok Choudhary Son of Late Ganesh Chaudhary,
Resident of Mohalla - Gur-Ki-Mandi, P.S.- Alamganj, District- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Mouar, Advocate
For the Opposite Party/s : Mr.Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-12-2019 Heard learned counsel for the petitioner and learned
APP for State.

The petitioner in this case is seeking anticipatory bail in connection with Special Case No. 9007 of 2019 arising out of Alamganj P.S. Case No. 728 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that only to save the real culprit it has been stated that alleged toddy was recovered from the Bathan of the petitioner and from the perusal of seizure list it is also clear that nothing has been recovered which shows that the alleged place belongs to the petitioner and except disclosure of



co-accused there is no cogent material against the petitioner.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is alleged that the illicit liquors have been recovered from the house of this petitioner and while fleeing away one person was arrested who has disclosed that he was indulged in sale of illicit liquor from the house of this petitioner, this Court is not inclined to entertain prayer for anticipatory bail of the petitioner.

The contention of learned counsel for the petitioner is that in the seizure list two places have been shown from where liquors were recovered and one of which is the Bathan in front of the house of this petitioner which according to him does not belong to him, may be considered by the court below if the petitioner surrenders and prays for regular bail within a period of four weeks from today.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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