

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2851 of 2020**

Arising Out of PS. Case No.-189 Year-2019 Thana- UJIYARPUR District- Samastipur

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Rajnikant Choudhary @ Rajni Kant Chaudhary Son of Tripit Narayan Choudhary @ Tripti Narayan Chaudhary @ Tripti Narayan Choudhary @ Vikas Choudhary @ Hapit Nr. Choudhary Resident of Village- Ramchandrapur Andhail, P.S.- Ujiyarpur, District- Samastipur (Bihar).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

Mr.Saket Tiwary, Advocate

Mr. Anuraj Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 28-02-2020 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 Section 30(a) of Bihar Prohibition and Excise Act, 2016 as amended by Amendment Act 8 of 2018.

The prosecution case as per the written report of Sunil Kumar, Sub-Inspector of Police submitted to the Station House Officer of Ujiyarpur Police Station is to the effect that that on



02.08.2019 a secret information was received that the four accused persons including the petitioner were selling illegal liquor by storing it in the house of co-accused Mantun Das, consequently, a raid was laid and from the house of co-accused Mantun Das, 15.750 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner the recovery has not been made from the conscious physical possession of the petitioner and only on basis of suspicion, the petitioner has been made accused in the present case. The petitioner is accused in one another case of similar nature in which he is on bail.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from the house of co-accused Mantun Das, 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,
Samastipur in connection with Ujiyarpur P.S. Case No. 189 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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