

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6468 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- GORIAKOTHI District- Siwan

Laddu Chaudhary @ Ladadu Chaudhari, aged about 52 years (Male), Son of Late Parmeshwar Chaudhary Resident of Village-Dhudhara, P.S-Gorea Kothi, District-Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramchandra Sahni, Advocate
For the State	:	Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 02-03-2020

Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Goreakothi PS Case No. 213 of 2019 dated 28.12.2019 instituted under Sections 30(a)/36 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act') and 37 (c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is that when the police reached his house on confidential information that he was selling illicit liquor, out of five persons, one ran away and four were caught, who took the name of the petitioner as the person who had fled away and, upon search, from the house of the petitioner, from where the other four persons were caught, inside the toilet, about 3 litres of country made liquor was



recovered.

4. Learned counsel for the petitioner submitted that the toilet is unconnected with the residential quarter and, thus, he is not aware of how the liquor came to be there and further that the recovery was not from his conscious possession.

5. Learned APP submitted that from the house of the petitioner there being recovery of country made liquor, which is banned under the Act, the petitioner cannot feign ignorance. It was further submitted that the petitioner running away from the spot also indicates of his accomplice as there was no reason for him to run away if he was unaware that there was any illicit liquor recovered in his toilet.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for anticipatory bail to the petitioner.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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