

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8437 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- DAUDNAGAR District- Aurangabad

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DHANANJAY CHOUDHARY S/o Krishna Chaudhary R/o Nalbandh Toli,
Ward No.8, Daudnagar, P.S.- Daudnagar, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Ms.Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-03-2020 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State.

Petitioner is apprehending his arrest in Daudnagar P.S.

Case no. 18/2020 registered under section 30(a) of the Bihar

Prohibition and Excise Act.

3.5 liters of Indian made foreign liquor is allegedly

recovered from petitioner's house.

Counsel for the petitioner submits that he has been

falsely implicated in this case since earlier he was accused in

Daudnagar P.S. Case no. 353/2018 in which he is on bail.

Submission is of false implication and that recovery is

from joint family property and responsibility cannot be levelled

against the petitioner for the same. Petitioner admittedly was not

present at the house when recovery was made and as such no



case whatsoever has been 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 VII-cum- Special Judge (Excise), Aurangabad in Daudnagar P.S. Case no. 18/2020 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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