

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17371 of 2020

Arising Out of PS. Case No.-1131 Year-2019 Thana- ARARIA District- Araria

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Ganesh Choudhary aged about – 40 yrs male S/o- Late Laxmi Choudhary,
Resident of Village - Majkoori, Rajokher, P.S.- Araria (R.S.), District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Naushaduzzoha

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 12-06-2020 Heard Mr. Md. Naushaduzzoha, learned counsel for

the petitioner and Mr. Akshay Lal Pandit, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

The petitioner apprehends his arrest in connection
with Araria P.S. Case No. 1131 of 2019 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The allegation against the petitioner is that Police
raided the house of the petitioner and recovered 05 liters of
country made illicit liquor from the house.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case inasmuch no
illicit liquor has been recovered from the conscious possession



of the petitioner. Learned counsel further submits that petitioner has got no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the fact that from perusal of the First Information Report it is evident that 05 liters of illicit liquor has been recovered from the house of petitioner, I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioner in view of the Full Bench judgment of this court passed in Cr. Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar) and the same is rejected. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and seeks regular bail, the same will be considered by the learned court below on the same date without being prejudiced with the fact that the present anticipatory bail application has been rejected by this court and also taking into consideration the fact that petitioner has got no criminal antecedent.

Accordingly, this application is disposed of.

(Anil Kumar Sinha, J)

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