

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22990 of 2020

Arising Out of PS. Case No.-33 Year-2020 Thana- ROH District- Nawada

JITU CHAUDHARY S/o Bholu Chaudhary Resident of Village-Roh, Police Station-Roh, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-09-2020 Heard Mr. Deepak Kumar, learned counsel for the petitioner and Dr. Mritunjay Kumar Gautam, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner apprehends arrest in connection with Roh P.S. Case No. 33 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner as per the First Information Report is that the Police on the basis of secret information proceeded towards the house of the petitioner and found one person carrying white coloured bag. On seeing the Police party, he started fleeing away. He was ordered to stop by the Police, but he after leaving the bag in question on the ground



fled away. On search, the Police recovered 9 litres of illicit foreign liquor from the said back. It is further alleged that the name of the petitioner has been disclosed by village Choukidar.

Learned counsel for the petitioner submits that petitioner has got no criminal antecedent and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that from perusal of the First Information Report it would be evident that the occurrence has allegedly taken place on 20.02.2020 whereas from perusal of the seizure list it transpires that the same was prepared on 2.3.2020. Learned counsel also submits that from perusal of the First Information Report and seizure list it would be evident that no illicit liquor has been recovered from conscious possession of the petitioner and no *prima facie* case is made out under the Excise Act against him.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that no illicit liquor has been recovered either from the house or the conscious possession of the petitioner and petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before



the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Nawada, in connection with Roh P.S. Case No. 33 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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