

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85414 of 2019

Arising Out of PS. Case No.-230 Year-2019 Thana- SISWAN District- Siwan

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DHARMENDRA CHAUDHARY Son of Nakul Chaudhary Resident of
Village-Chainpur Pasi Tola, P.S.-Siswan (Chainpur OP), District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the State : Mrs. Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2020 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Siswan Chainpur O.P. P.S. Case No. 230 of 2019 registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38(b) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 9 liters of illicit liquor, kept covered by garbage, from a place situated at a lane in front of the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and in fact, neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house, hence, no



offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016.

Having considered the facts and circumstances of the case and considering the fact that the illicit liquor has not been recovered either from the conscious possession of the petitioner or from the house of the petitioner, this Court is prima facie of the view that no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, for the purposes of adjudication of the present petition.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Siswan Chainpur O.P. P.S. Case No. 230 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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