

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87416 of 2019

Arising Out of PS. Case No.-262 Year-2019 Thana- DARAUNDA District- Siwan

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DHANANJAY CHAUDHRI S/o Dharmnath Chaudhari Resident of Village-
Indauli, P.S.- Maharajganj, Distt- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 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 Daraunda PS case no. 262 of 2019 registered for the offences punishable under Sections 30(a)/38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 20 liters of illicit mahua wine from the un-constructed house of the petitioner.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that in para 6 of the present petition, it has been specifically stated that neither the petitioner nor his family members reside in the said un-constructed house and the house in question is still under construction, hence the possibility of illicit liquor belonging to the labourers cannot be



ruled out. As such, it is submitted that since no recovery of illicit liquor has been made from the conscious possession of the petitioner, provisions of Bihar Prohibition and Excise Act, 2016 are not attracted in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner coupled with the fact that *prima facie*, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act, 2016, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Daraunda PS case no. 262 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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