

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29966 of 2020

Arising Out of PS. Case No.-319 Year-2020 Thana- TURKAULIYA District- East
Champaran

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ASHOK CHAUDHARY @ ASHOK MAHTO Son of Vishwanath Mahto
Resident of Village - Jhakhiya, P.S.- Banjariya, District - East Champaran
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Rashmi Jha,
Mr. Abhishek Kumar, Advocates.
For the Opposite Party/s : Ms. Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-01-2021 Heard Ms. Rashmi Jha, learned counsel for the

petitioner and Ms. Asha Kumari, Additional Public Prosecutor

for the State.

2. Petitioner apprehends his arrest in connection with

Turkauliya (Banjariya) PS Case No. 319/2020 registered for the

offence punishable under Sections 272, 273, 34 of the IPC and

Section 30 (a) (d) of the Bihar Prohibition and Excise Act.

3. The allegation, as per First Information Report, is

that 289.800 litres of illicit liquor has been recovered from the

house of one Shashi Sahani and 799.200 litres has been

recovered from the house of Yogendra Sahani, who were

arrested and they disclosed that illicit liquor was brought by the

petitioner and others from different places and were given to

them for storage.

4. Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case at the behest of arrested co-accused persons upon whose disclosure illicit liquor has been recovered. Learned counsel further submits that petitioner has got no criminal antecedents and no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him

5. Accordingly, the submission is that upon perusal of the FIR and seizure list no, *prima facie*, offence under the Excise Act is made out against the petitioner.

6. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that no illicit liquor has been recovered from the conscious possession of the petitioner or from the premises belonging to him and petitioner has got no criminal antecedents, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, petitioner, ASHOK CHAUDHARY @ ASHOK MAHTO shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, Excise, Motihari in



connection with Turkauliya (Banjariya) PS Case No. 319/2020,
subject to the conditions as laid down under Section 438(2)
CrPC.

8. It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines of social
distancing.

(Anil Kumar Sinha, J)

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