

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31859 of 2020

Arising Out of PS. Case No.-574 Year-2019 Thana- BARH District- Patna

=====

Mithun Choudhary, aged about 32 years (Male), Son of Chandoi Choudhary,
Resident of Village-Agwanpur, PS-Barh, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the State : Mr. Jharkhandi Upadhyay, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 02-03-2021

Heard Mr. Suraj Kumar, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Barh PS Case No. 574 of 2019 dated 21.11.2019, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is that when police came on information that he was manufacturing countrymade liquor, a person ran away who was identified by the



villagers as the petitioner and from the spot various articles for manufacture of countrymade liquor and 13 litres of *mahua* liquor was recovered.

4. Learned counsel for the petitioner submitted that only on suspicion, the petitioner has been falsely implicated and further that no villager was ready to sign on the seizure list. Learned counsel submitted that due to his past implication in two cases, he has been made accused in the present case also by the police.

5. Learned APP submitted that this is a case of misuse of privilege of bail as twice earlier the petitioner was granted bail in two cases of similar nature but still he was indulging in this trade and further that there is no reason for false implication as the petitioner was the sole person who has been made accused and also the sole person who was found running and villagers have also identified him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

7. Accordingly, the application stands dismissed.

8. However, on prayer made by learned counsel for the petitioner, the Court would observe that if the petitioner appears before the Court below and prays for bail, the same shall be



considered, on its own merits, in accordance with law, without
being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

