

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45782 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- KOILWAR District- Bhojpur

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Tunna Chaudhary @ Tunna Kumar Son Of Anup Chaudhary Resident Of
Village - Sakaddi, Police Station - Koilwar, District - Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-12-2021 Let the defects, if any, be removed within four weeks
after complete start of the physical Court.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection
with Excise Case No.791 of 2021, arising out of Koilwar P.S.
Case No.166 of 2021, registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

From the auto-rickshaw of the petitioner liquor was
recovered. The petitioner has stated in para-8 that he had given
the auto-rickshaw for plying to one Anup Kumar on rent.
However, no document of agreement between the petitioner and
Anup is there. Petitioner has got no criminal antecedent.

Considering presumption of law against the petitioner



as contained in Section 32 of the Bihar Prohibition and Excise Act as well as bar of prayer for anticipatory bail under Section 76(2) of the said Act, I am not inclined to grant anticipatory bail to the petitioner. Hence, the prayer for anticipatory bail is refused. However, in the event of surrender of the petitioner within two weeks, the prayer for regular bail shall be considered without being prejudiced by the order of this Court.

(Birendra Kumar, J)

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