

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5425 of 2022

Arising Out of PS. Case No.-75 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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SANJAY CHOUDHARY SON OF VIJAY CHOUDHARY @ VAJAY
CHAUDHERI RESIDENT OF VILLAGE- GOSAIMATH, POLICE
STATION- KHIZERSARAI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with Excise Case No.75 of 2020, registered for the offence punishable u/s 30(a) and 30(c) of the Bihar Prohibition and Excise Act-2018.

Altogether 15 litres of country made liquor and 400 kg fermented mahua is said to have been recovered from the field of petitioner. It is alleged by nearby people that the petitioner is a member of the syndicate involved in manufacture of liquor.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said recovery has been made from the open field. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Considering the aforesaid facts and circumstances, since the recovery has been made from the field of the petitioner, I am not inclined to enlarge him on bail. The prayer for anticipatory bail on behalf of the petitioner is rejected.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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