

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6247 of 2022

Arising Out of PS. Case No.-595 Year-2021 Thana- NATHNAGAR District- Bhagalpur

BINAY CHOUDHARY Son of Late Jhilo Choudhary Resident of Village-
Pasi Tola, P.S.- Lalmatia, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Masleh Uddin Ashraf, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation is of recovery of six litres of liquor from the house of co-accused Ranjit Mahto and 7 litres of liquor is alleged to have been recovered from the Bathan of the petitioner.

Learned counsel for the petitioner submits that petitioner has antecedent of three cases and he has been falsely implicated in the present case based on his antecedent. Petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. He further submits that the Bathan is an open place, as such, it cannot be alleged



that it was the petitioner who had kept the liquor.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Nathnagar (Lalmatia) P.S. Case No. 595 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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