

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49028 of 2022**

Arising Out of PS. Case No.-115 Year-2022 Thana- PHULWARIA District- Begusarai

SONU KUMAR @ SONI CHAUDHARY Son of Late Balram Chaudhary
Resident of Village - Malti, P.s.- Phulwaria, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar
For the Opposite Party/s : Mr.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 11-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Phulwaria P.S. Case no. 115 of 2022 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case relates to recovery of 154 litres of IMFL, which was kept hidden in a bush which was situated in the field of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has been falsely implicated in this case. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his



conscious and constructive possession.

Learned APP appearing for the State has opposed the prayer of bail and submitted that against the petitioner there are two criminal antecedents.

Having heard learned counsel for the parties and taking into consideration that the alleged land belongs to the petitioner, from where recovery of illegal liquor has been made, I am not inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

However, if the petitioner surrenders and prays for regular bail, the same may be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Sunil Kumar Panwar, J)

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