

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49336 of 2022

Arising Out of PS. Case No.-321 Year-2022 Thana- JAGDISHPUR District- Bhojpur

1. SANJAY CHOUDHARY S/o Govind Choudhary R/o village- Mehan Tola (Danwan), P.S.- Jagdishpur, District- Bhojpur at Ara (Bihar)
2. Suresh Choudhary S/o Ram Lagan Choudhary R/o village- Mehan Tola (Danwan), P.S.- Jagdishpur, District- Bhojpur at Ara (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-09-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2 as he was arrested during pendency of the present anticipatory bail application.

Permission is accorded.

The petitioner no.1 apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 30 litres liquor from the house of petitioner apart from other recovery as detailed in the F.I.R.



Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that the house from which the alleged recovery has been shown is a joint family property as such it cannot be alleged that it was the petitioner who had kept the liquor in the house, it is also submitted that the seizure list is in breach of Section 62 of the Excise Act.

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 no.1, 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 Jagdishpur P.S. Case No. 321 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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