

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52747 of 2022**

Arising Out of PS. Case No.-389 Year-2022 Thana- GARKHA District- Saran

KRISHNA CHOUDHARY SON OF SHIV LAL CHOUDHARY R/O  
VILLAGE- MITHEPUR, P.S.- GARKHA, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      14-10-2022                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks.

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

Learned counsel for the petitioner submits that  
petitioner has antecedent of three cases.

Allegation is of recovery of 6 litres of liquor from the  
house of the petitioner and six litres of liquor from the house of  
Shatrughan Chaudhary.

Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession. Learned counsel



further submits that the house is a joint family property and, as such, it cannot be alleged with certainty that it was petitioner who had concealed the liquor in the house.

Considering the submissions aforesaid, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Garkha P.S. Case No. 389 of 2022 pending in the Court of learned 2<sup>nd</sup> Additional Sessions Judge-cum-Exclusive Special Excise Court, Chapra, Saran/successor Court.

Hence, prayer for anticipatory bail is refused.

However, in the event, if the petitioner surrenders on or before 16.11.2022 and apply for regular bail then the learned trial court shall dispose of the bail application of the petitioner on the same day, keeping in mind that the alleged recovery is of small quantity.

**(Satyavrat Verma, J)**

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