

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54544 of 2022

Arising Out of PS. Case No.-273 Year-2022 Thana- MALSALAMI District- Patna

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KANHIYA CHOUDHARY @ KANHAI CHOUDHARY S/O LATE
BALESHWAR CHOUDHARY Resident of Mohalla- Bari Nagla, P.S.-
Malsalami, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. A.G

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
36 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 9.600 litres of liquor from a plastic bag from Ravi
Kumar and 10.500 litres of liquor from a sack which was
thrown by the petitioner, further 40 litres of liquor from a gallon
kept in the bush.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in the



present case, it is next submitted that petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is also submitted that petitioner came to be implicated based on confessional statement of Ravi Kumar which does not have any evidentiary value, further the petitioner has been falsely alleged that it was he who had thrown the liquor by Ravi Kumar.

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 trial court 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 to the satisfaction of the learned trial court where the case is pending/successor court in connection with Malsalami P.S. Case No. 273 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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