

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56048 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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KANHAIYA CHAUDHARY @ KANHAIYA PASI Son of Shanker
Chaudhary Resident of Village - Jagatpura, P.S.- Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Shekhar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a) and 30(c) 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 2500 kg of fermented raw *mahua* from illegal liquor
centre situated at northern side of Baliram's house which was
destroyed at the spot, further 35 litres liquor from the illegal liquor
center of the petitioner and 1200 kg fermented raw *mahua* which
was also destroyed at the spot and 40 liters liquor from a sack
loaded on a motorcycle.

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 further submitted that the alleged recovery was made from a place which does not belong to the petitioner and falsely it was alleged that the petitioner was running an illegal liquor center for manufacturing liquor, it is also submitted that the petitioner is neither the owner nor the driver of the alleged motorcycle as from the seizure list it transpires that the motorcycle was not seized.

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 Excise P.S. Case No. 182 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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