

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16794 of 2023**

Arising Out of PS. Case No.-319 Year-2022 Thana- HASPURA District- Aurangabad

SHIVDAYAL CHOUDHARY @ SHIVDAYAL KUMAR Son of Dinesh  
Choudhari Resident of village - Korara, P.S.- Paliganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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

3      22-05-2023                      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 (c) of the Bihar  
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner  
is a person with clean antecedent.

Allegation is of recovery of 10 litres of liquor from a hut  
along with some articles and five liters of liquor from a motorcycle.  
Further, the police had information that Arbind Kumar with the  
consent of Ashok Sharma prepared the liquor in the house.

Learned counsel for the petitioner submits that petitioner  
was not arrested from the spot, as such, nothing was recovered from  
his conscious possession. It is further submitted that petitioner was  
not named in the FIR nor the Chawkidar disclosed his name rather  
the Chawkidar identified Arbind Kumar who fled away from the



place of occurrence. It is next submitted that petitioner being owner of the motorcycle came to be implicated. It is also submitted that no prudent person would use his own vehicle for committing a crime and thus would create evidence against himself and hence would get implicated when admittedly petitioner is a person with clean antecedent.

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 Haspura P.S. Case No. 319 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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