

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23172 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- TILAUTHU District- Rohtas

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BHARAT CHOUDHARY SON OF LATE PHULCHAND CHOUDHARY
RESIDENT OF VILLAGE- UTTARPATTI, TILAUTHU, PS- TILAUTHU,
DISTT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

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

Allegation is of recovery of 30 litres of liquor from a place near the road in front of the house of one Guddu Paswan which was kept in a bag and a motorcycle was also seized from the place of occurrence.

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 came to be implicated based on the confessional statement of Guddu Paswan in police custody which does not have any evidentiary value in the eye of law. It is further submitted that petitioner is not the owner of the seized motorcycle and he came to be implicated by the police through Guddu Paswan because of his 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.25,000/- (Rupees Twenty-five 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 Tialuthu P.S. Case No. 05 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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