

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28121 of 2023**

Arising Out of PS. Case No.-30 Year-2022 Thana- CHACKMEHSI District- Samastipur

SHIV SANKAR CHAUDHARY @ GONU CHAUDHARY SON OF
RAJMANGAL CHAUDHARY R/O VILLAGE- SAHURI, P.S.- CHAK
MEHASI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2023 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 Section 30(a) 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 1287 liters of liquor from a mango orchard of the petitioner and a motorcycle was also seized.

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



submitted that no doubt the mango orchard belongs to the petitioner, but then it is a place accessible to public at large hence it cannot be alleged with certainty that it was petitioner who had kept the liquor in the orchard, as no prudent person would use his own land for committing a crime and thus would create evidence against himself and hence would get implicated easily. It is next submitted that petitioner is not the owner of the motorcycle. Learned counsel, at the cost of repetition, submits that 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 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 each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chakmehsi P.S. Case No. 30 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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