

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30202 of 2023**

Arising Out of PS. Case No.-137 Year-2023 Thana- PATLIPUTRA District- Patna

Atul Chandra @ Atulya Chandra Son Of Birendra Kumar Sharma @ Prem Kumar Sharma R/O Mohalla- North Patel Nagar, Road No.- 12, Yogesh Bhawan, Flat No.- 103, P.S.- Patliputra, District- Patna, Permanent Address- Village- Jihuli, P.S.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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

2 19-05-2023 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 41(i) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and allegation is of recovery of 170.40 litres liquor from the flat of the petitioner.

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 next committed that even the house/flat is a joint family property as such it cannot be alleged with certainty that it was the petitioner



who had kept the liquor in the flat or the liquor kept in the flat was within his knowledge, it is further submitted that police because of his antecedents got him implicated through his mother-in-law who also was staying with him.

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. 10,000/- (Rupees Ten 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 Patliputra P.S. Case No. 137 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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