

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32451 of 2023

Arising Out of PS. Case No.-745 Year-2022 Thana- WAJIRGANJ District- Gaya

SARJU CHAUDHARY Son of Late Jitan Chaudhry R/o Village - Khajuri,
P.S.- Wazirganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 50 liters of liquor from the house of the petitioner.

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 even the alleged recovery is from the house which 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 house or the



liquor kept in the house was within his knowledge, when admittedly petitioner is a person with clean antecedent and he came to be implicated based on confessional statement of his wife Rekha Devi in police custody which does not have any evidentiary value. It is also submitted that the confession was obtained forcefully.

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 Wazirganj P.S. Case No. 745 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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