

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37404 of 2023

Arising Out of PS. Case No.-862 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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PRAMOD CHAUDHARY @ PRABOD CHAUDHARY, SON OF BASDEO
CHAUDHARY, RESIDENT OF VILLAGE- BAHUARWA, PS-
MAJHAULIYA, DISTRICT- WEST CHAMAPRAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 26-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Bettiah Town P.S. Case no. 862 of 2022, registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, it is stated that on search being conducted 220 litres of liquor was recovered from the house of one Vikram Ram. It is further stated that on inquiry it transpired that Manjeet Ram, Ajay Kumar Bhagat and Pramod Chaudhary, the petitioner herein, stored liquor in the house of Vikram Ram.

4. Learned counsel for the petitioner submits that from the F.I.R itself it would transpire that the alleged recovery was from the house of the co-accused. No incriminating article



has been recovered from the petitioner's possession. The allegation of the petitioner's storing liquor in the house of Vikram Ram is false and concocted. The cause of false implication is his one criminal antecedent under the Bihar Prohibition and Excise Act, 2016.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the F.I.R., the recovery having been stated to be from the house of co-accused Vikram Ram and not from the petitioner's possession, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Bettiah Town P.S. Case no. 862 of 2022 to the satisfaction of the learned Exclusive Special Judge Excise, Bettiah, West Champaran, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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