

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38659 of 2023

Arising Out of PS. Case No.-340 Year-2020 Thana- FATUA District- Patna

CHHOTU CHAUDHARY @ CHHOTKA @ CHHOTU CHOUDHARI, S/o-
KARU CHAUDHARY, R/o Village- Abdalpur, P.S.- Fatuha, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 31-07-2023

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 Fatua P.S. Case no. 340 of 2020, registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on search being conducted it is stated that 70 litres of liquor besides other articles were recovered from the *tempo* and the two accused persons who made an attempt to escape were caught. They further disclosed the name of the four persons including this petitioner, who are involved in manufacture of liquor.

4. Learned counsel for the petitioner submits that from perusal of the F.I.R itself it would transpire that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from the petitioner's possession. The cause of the



petitioner's implication is the statement of the co-accused made before police. The petitioner has no criminal antecedent.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the petitioner not having been arrested at the spot, the name of the petitioner having transpired in the statement of co-accused made before police and the petitioner not having any antecedent under the Bihar Prohibition and Excise Act, 2016, 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 in connection with Fatuha P.S. Case no. 340 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Patna City, District-Patna, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The petitioner is directed to surrender in the learned trial Court within four weeks.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

