

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39223 of 2023

Arising Out of PS. Case No.-925 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

KRISHNA CHOUDHARY Son of Sukhdev Choudhary Resident of village -
Mungeriganj, ward no. 33, P.S. - Town, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Town Police Station Case No. 925 of 2022, dated 22.12.2022, disclosing offence under Sections 30(a)/32(2) of the Bihar Prohibition and Excise Act, 2018 (hereinafter referred to as 'the Act').

The prosecution case, as per the First Information Report, is that the police, on secret information, arrived at the place of occurrence and recovered 26.40 liters of illicit liquor from a swift dezire car, bearing registration no. WB-06-4112, standing near Mungeriganj Madarsa and upon seeing the police party, two persons sitting in the car succeeded in fleeing away.

Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of secret



information received by the police that the petitioner along with others were carrying the illicit liquor in the car. He next submits that in paragraph no. 9 of this application it has been stated that the petitioner is not the owner of the said vehicle.

Regards being had to the submission on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the vehicle belonging to the him, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise I, Begusarai, in connection with Town Police Station Case No. 925 of 2022 Police Station Case No. 245 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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