

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40474 of 2023

Arising Out of PS. Case No.-785 Year-2022 Thana- GARKHA District- Saran

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LALBABU CHAUDHARY SON OF LATE LUXMAN CHAUDHARY
RESIDENT OF VILLAGE- CHINTAMANGANJ, PS- GARAKHA,
DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273, 353, 504 of the Indian Penal Code and Sections 30 (a), 45 of the Bihar Prohibition and Excise Act, 2016.

3. Altogether, 500 litres *Pass* has been recovered from the house of the father of the petitioner, which was later destroyed by the police party. Seeing the police, one person managed to flee away from the place of occurrence and it was further disclosed by Chowkidar that the fled person is petitioner who is engaged in selling the liquor.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious



physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the statement of the Chowkidar. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Per contra, learned APP for the State vehemently opposing the bail petition submitted that petitioner is indulged in illegal business of illicit liquor, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, as the petitioner is member of a syndicate, which involved in the manufacturing of illicit liquor, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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