

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49740 of 2023

Arising Out of PS. Case No.-437 Year-2023 Thana- GAYA MUFASIL District- Gaya

GUDDU CHAUDHARY son of Tuntun Chaudhary @ Ram Khelawan
Chaudhary Village- Bhadeji Ps- Muffasil Dist- gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 16-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in
connection with Muffasil P.S. Case No. 437 of 2023 registered
for the offences punishable under Sections 30(a) of Bihar
Prohibition & Excise Act, 2018.
3. As per prosecution case, there is alleged recovery
of 150 liter country made mahua liquor from Bhadeji Tand.
Nearby people, who assembled there, disclosed the name of
present petitioner and others who fled away from the place of
occurrence i.e. Bhadeji Tand.
4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. Name



of the present petitioner has been added in the present case merely on suspicion on account of one old case of similar nature instituted in 2017 and in that case he is on bail. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Learned counsel further submits that petitioner was not present at the place of occurrence. On the statement of near by people, the name of present petitioner has been transpired in this case but name of that person, who has disclosed the name of present petitioner and others, is not mentioned in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. The place from where recovery has been made is an abandon place which is accessible to all. Seizure list witnesses are the members of raiding party. There is violation of Section 100 Cr.P.C. Petitioner has no concern with the recovered liquor. Learned counsel further submits that in the light of aforesaid facts and circumstances of the case, no offence under the provisions of Bihar Prohibition and Excise Act is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of petitioner and submits that petitioner bears one criminal antecedent of similar nature.



6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge of Excise, Court No. 1, Gaya in connection with Muffasil P.S. Case No. 437 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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