

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54929 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- MADANPUR District- Aurangabad

Surenbra Chaudhari Son of Brijdev Chaudhari @ Birju Chaudhary, Resident
of village - Prem Nagar, P.S. - Madanpur, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikita Mittal, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Madanpur P.S. Case No. 141 of 2023 dated 20.03.2023, lodged under Section 30(a) of Bihar Prohibition & Excise Amendment Act, 2018.

3. As per the allegation made in the F.I.R., petitioner has been made accused on the ground that recovery of 35 litre desi wine has been made from his house.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is residing in a joint family and there is a gross violation of section 100(4) of the Cr.P.C.. Counsel also submits that petitioner is completely unaware that the said

illegal item has been kept in his house. Counsel also submits that antecedent of the petitioner is clean.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that the recovery has been made from the house of the petitioner, it means that the said recovery is from the possession of the petitioner.

6. In this view of the matter, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Madanpur P.S. Case No. 141 of 2023 to the satisfaction of learned Special Judge Excise-2, Aurangabad.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of four weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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