

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70121 of 2023

Arising Out of PS. Case No.-492 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Tahal Chaudhary @ Tahal Chaudhari S/O Late Janki Chaudhary R/O Village-
Madhubanighat, P.S- Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 492/2023 registered for the offences punishable under Sections 30 (a), 32, 41 (i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 15 liters country made liquor from the bamboo orchard and local people disclosed the name of petitioner and other who fled away from the place of occurrence.

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. The



petitioner bears no criminal antecedent. He further submits that the petitioner was neither apprehended on the spot nor was incriminating article recovered from the conscious possession of the petitioner. He further submits that the petitioner was neither involved in the alleged liquor business nor was concerned with the place of occurrence. He further submits that the seizure list has not been prepared as per the law. He further submits that in the light of the aforementioned facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise (Amendment) Act, 2022.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, 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 Special Judge, Excise



Court No.1, East Champaran at Motihari in connection with
Muffasil P.S. Case No. 492/2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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