

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6261 of 2024

Arising Out of PS. Case No.-211 Year-2020 Thana- SURSAND District- Sitamarhi

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FULGEN CHOUDHARY S/O- LATE SOGARTH CHOUDHARY @ RAM
SOGARTH CHOUDHARY R/O- VILLAGE- MALIWARA WARD NO.- 12,
P.S.- JALESHWAR, DIST.- MAHOTARI (NEPAL).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Syed Ehteshamuddin

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Sursand (Susand) (Bhitha O.P.) P.S. Case No.211/2020
registered for the offence punishable under Sections 30(a) of
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and an allegation is of
recovery of 525 litres of liquor from the bank of Rato river. It is
next submitted that the petitioner was not arrested from the spot
as such nothing was recovered from his conscious possession. It
is next submitted that even alleged recovery is from a place
which is accessible to public at large as such it cannot be alleged



with certainty that it was petitioner who had kept the liquor at the place of occurrence from where it was recovered. It is next submitted that he came to be implicated at the instance of chowkidar with whom he is on an inimical term. It is next submitted that it appears that the chowkidar with a view to save the real culprits falsely implicated the petitioner because of his antecedent.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees Five thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Sitamarhi, in connection with Sursand (Susand) (Bhitha O.P.) P.S. Case No.211/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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