

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21502 of 2024

Arising Out of PS. Case No.-233 Year-2023 Thana- DERNI BAZAR District- Saran

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RUPESH CHAUDHARY Son of Shivnath Chaudhary Resident of Village-
Derni, P.S.-Derni, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Ms. Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 28-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases and allegation is of
recovery of 20 litres of liquor from a bag and 40 litres of liquor
from a scooty. It is next submitted that petitioner was not
arrested from the spot as such nothing was recovered from his
conscious possession and neither the bag belongs to him nor he
is owner of the scooty and came to be implicated at the instance
of local people. It is also submitted that police in majority of the
cases is implicating the accused persons either through the



chowkidar or local person but then it is submitted that if the local person was aware about the involvement of the petitioner in the occurrence why he did not inform the police prior to institution of the instant case, which casts an aspersion on the case of the prosecution for the reason that it appears that police in order to save the real culprit 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.25000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Derni (Derni Bazar) P.S. Case No.233/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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