

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33029 of 2024

Arising Out of PS. Case No.-29 Year-2021 Thana- Excise P.S. District- Begusarai

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Sita Ram Choudhary SON OF LATE GAYA CHOUDHARY RESIDENT OF
VILLAGE - MOHANPUR , WARD NO.- 8, P.S.- BHAGWANPUR, DISTT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-05-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Excise Case No. 29 C2 of 2021, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The allegation against the petitioner, as per the First Information Report, is that the police, on secret information, reached at the house of Sita Ram Choudhary where search was made in the presence of local witnesses. Upon search, the police party recovered total of six liters of illicit liquor under the outpost inside the house.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. The petitioner is not indulged in any type of activities such as sale, purchase, transport or manufacturing of the illicit liquor. He further submits that the alleged P.O. does not belong to the petitioner nor he has concern in any manner with the alleged liquor.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that liquor has not been recovered from the conscious possession of the petitioner and the premises are jointly owned by family members, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Begusarai, in connection with Excise Case No. 29 C2 of 2021, subject to the condition laid down under Section



438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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