

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33404 of 2024

Arising Out of PS. Case No.-965 Year-2023 Thana- KANTI District- Muzaffarpur

Pankaj Chaudhary Son of Ashok Chaudhary Resident of Village - Sain Brijlal,
P.S. - Kanti, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Preety Kunwar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kanti P.S. Case No. 965/2023 registered for the offences punishable under Sections 30 (a), 32(2), 32(3), 36, 41(1), 41(2) of the Bihar Prohibition & Excise Act, 2022.

3. As per prosecution case, there was alleged recovery of total 5670 liter foreign liquor from a truck and four Pick-up vehicles in question. It is further alleged that co-accused Deepak Kumar was apprehended on the spot who disclosed the name of petitioner and others who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as



alleged in the FIR and he has falsely been implicated in this case. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of petitioner surfaced in this case upon the disclosure of co-accused Deepak Kumar. Except disclosure of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner bears criminal antecedent of three cases of similar nature. He further submits that the petitioner is neither the owner nor the driver of any of the seized vehicles in question. On similar and identical allegation, co-accused Sunil Kumar and Saurya Pratik already been granted anticipatory bail by this court vide Cr. Misc. No.24511/2024 and Cr. Misc. no.23980/2024 respectively and the case of present petitioner stands on similar footing.

3. Learned APP for the State opposed the prayer of anticipatory bail of the petitioner, keeping in view petitioner having criminal antecedent of three cases of similar nature.

4. Considering the facts and circumstances of the case, case of petitioner stands on different footing to the extent that petitioner having criminal antecedent of three case of similar nature, I am not inclined to grant privilege of



anticipatory bail to petitioner.

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

6. However, the petitioner is directed to surrender before the concerned court within three weeks from the date of receipt of the order. If petitioner surrenders and seeks regular bail, the concerned court may pass an appropriate order on the day of hearing without being prejudiced by order of this court.

(Alok Kumar Pandey, J)

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