

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34855 of 2024

Arising Out of PS. Case No.-256 Year-2016 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Heera Chaudhary son of Parmeshwar Chaudhary Resident of Village-
Jhandhaul, P.S. Sirdala, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Manmohan Kumar
For the Opposite Party/s : Mr.Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 228-05-2024
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 G. O. Case No. 256 of 2016, disclosing offences punishable under Sections 47(a)/53(c) of the Bihar Prohibition and Excise Amendment Act, 2016.
3.

The prosecution case, as per the prosecution report, is that the excise officials conducted raid in the premises of the petitioner and recovered 10 liters of illicit country-made liquor.
4.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case



with oblique motive. He further submits that nothing has been recovered from the conscious possession of the petitioner; rather, the illicit liquor has been recovered from the premises, which is jointly owned by the petitioner's family and his uncle. He further submits that petitioner was not present at the place of occurrence, rather he resides at Surat for earning his livelihood. He further submits that Section 76 (2) of the Bihar Prohibition and Excise Act, 2016 is not applicable in the present case.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that no illicit liquor has been recovered from conscious possession of the petitioner and the premises from where illicit liquor has been recovered, is jointly possessed by the petitioner's family and his uncle, 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 a period of four weeks from today, 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
Exclusive Special Excise Court-2, Nawada, in connection
with G. O. Case No. 256 of 2016, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J.)

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