

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38765 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- FATEHPUR District- Gaya

Rajesh Chaudhary S/O Late Govind Chaudhary Resident of Village-
Chamruchak, P.S.-Fatehpur, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brijmohan Das, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Fatehpur P.S. Case No. 138 of 2024, registered for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, the police received secret information about the petitioner concealing illicit liquor on the land of one Rajendra Chaudhary for selling it. A raid was conducted and on seeing the police, a person fled away from the spot. Recovery of 28.92 liters of India made foreign liquor was made from the spot. The petitioner is stated to be the person who fled away from the spot.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner, who has nothing to do with the seized liquor, which was recovered from an open place and the petitioner has nothing to do with the said place. The petitioner has got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the person or possession of this petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 4, Gaya in connection with Fastehpur P.S. Case No. 138 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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