

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37087 of 2024

Arising Out of PS. Case No.-189 Year-2024 Thana- SITAMARHI District- Sitamarhi

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Baiju Chaudhari SON OF LATE BIKHAR CHAUDHARI VILLAGE-
KIRANCHOWK, RINGBANDH, WARD NO. 28, PS- SITAMARHI DIST-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with
Sitamarhi P.S. Case No. 189 of 2024 registered for the offences
punishable under Section 30 (a) of the Bihar Prohibition and
Excise (Amendment) Act, 2022.

3. Altogether 122.605 litres of illicit liquor has been
recovered from the house of the petitioner. After seeing the
police, petitioner is said to have fled away from the spot,
whereas one co-accused was apprehended.

4. It is submitted by learned counsel for the petitioner
that petitioner is quite innocent and he has committed no
offence. No incriminating article has been recovered from the



conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He was not apprehended on the spot. He had not consumed liquor. It is further submitted that the house of the petitioner is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house. He has been falsely implicated in this case due to enmity. There is nothing on record to indicate the complicity of the petitioner barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as the illicit liquor has been recovered from the house of the petitioner, I am not inclined to enlarge him on anticipatory bail.

7. The prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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