

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45642 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Bariyarpur District- Muzaffarpur

Umesh Chaudhary S/o Late Ramchandra Chaudhary R/o Village - Baji
Banjaria, P.S.- Bariyarpur, District-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. (Mr.) Bipin Chandra, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 272 and
273/34 of the Indian Penal Code as well as Sections 30(a) and
37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 1 litre of liquor along
with 40 litres of mixed toddy from the hut of the petitioner, 1
litre of liquor along with 30 litres of mixed toddy from the hut
of Chandan Paswan and 1 litre of liquor along with 30 litres of
mixed toddy from the hut of Jitendra Paswan.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and even the alleged recovery is from a hut which is in abandoned state and the petitioner does not stay there. It is further submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is next submitted that it appears that someone taking advantage of the fact that petitioner was not staying in the hut kept meager amount of liquor for ulterior reason.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bariyarpur P.S. Case No. 04 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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