

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45506 of 2024

Arising Out of PS. Case No.-628 Year-2023 Thana- WAJIRGANJ District- Gaya

Dinesh Chaudhary Son of Ruplal Chaudhary @ Rupalal Chaudhary Village-
Kantar Pahadpur, P.S.- Wazirganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramashish Singh, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Wazirganj P.S. Case No. 628 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

3. As per prosecution case, the police has recovered 280 liters illegal *Deshi Mahua Chulai* liquor from the road side bushes.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not caught on the spot and his name has disclosed in this case on the basis of identification made by the



local *Chowkidar*. As the petitioner was not caught on the spot, nothing incriminating has been recovered from his conscious possession. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Umesh Chaudhary has been granted regular bail by this Court vide order dated 13.05.2024 passed in Cr. Misc. No. 35843 of 2024.

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

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let 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.10,000/- (Rupees Ten Thousand) 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
Wazirganj P.S. Case No. 628 of 2023, subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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