

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43740 of 2024

Arising Out of PS. Case No.-441 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

Prakash Chaudhari S/o Late Shankar Chaudhary @ Late Shankar Chaudhari
R/o vill - Baluwa Chikpatti, P.S. - Town, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-07-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for grant of anticipatory bail apprehending his arrest in connection with Town P.S. Case no.441 of 2023 registered for the offence punishable under sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation in the F.I.R, 16.5 litres of Nepali Kasturi liquor was recovered from the house/room of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case because of his antecedent. No incriminating article has been recovered from his possession or from his house. Referring to the seizure



list brought on record along with the FIR, it is submitted that inspite of time of seizure being 2.30 pm there is no independent witness in the seizure list and both the witnesses are police personnel. Some of the coaccused have been enlarged on bail.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., recovery of liquor from the bedroom of the petitioner together with the petitioner having two antecedents under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. The petitioner is directed to surrender in the Court below within a period of four weeks.

(Partha Sarthy, J)

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