

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52990 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- HISUWA District- Nawada

Rakesh Chaudhary @ Raka Son of Late Anil Chaudhary Resident of Vill-
Jota, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-10-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Hisua Police Station Case No. 162 of 2024,
disclosing offences under Sections 30(a) of the Bihar
Prohibition & Excise Act and (Amendment) Act, 2022.

3. As per the prosecution case, informant received
secret information that petitioner along with other accused
persons has brought the illicit liquor for the purpose of sale and
has kept it near the bush. Upon this information, police party
proceeded towards place of occurrence and on seeing the police
party, altogether six persons, who were standing near the saidpur
bridge, started fleeing away and managed to escape. Thereafter,
on inquiry, local chowkidar disclosed the name of the accused



persons. On search, total 785 liters of country made liquor has been recovered from the spot.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of secret information. He next submits that no illicit liquor has been recovered from the conscious possession of the petitioner or from his house or from any concerned place belonging to the petitioner. He next submits that recovery of the illicit liquor has been made from the place which is an open place and is accessible to all. He next submits that the name of the petitioner transpired merely on the basis of confessional statement of chowkidar. He further submits that there was total non-compliance of Section 100 of Cr.P.C.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that nothing has been recovered from the conscious possession of the petitioner and/or premises belonging to him and the recovery has been made from a place which is open and accessible to all, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-1, Nawada, in connection with Hisua Police Station Case No. 162 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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