

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57004 of 2024

Arising Out of PS. Case No.-429 Year-2018 Thana- Excise P.S. District- Gaya

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Anil Choudhary @ Anil Kumar Chaudhari Son of Jago Chaudhary Resident
of Vill- Kusha Biza, Bangali Dih, P.S.- Dobhi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Excise P.S. Case No. 429 of 2018 instituted under Sections
30(K) & 56(Kh) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, there is recovery of 10
litres *mahua* wine and 100 kg *mahua* flower from the
motorcycle and the co-accused Ganesh Choudhary has been
apprehended on the spot. The allegation against the petitioner is
that he is the owner of the seized motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case only on the basis of suspicion. He further submits that the
petitioner is not the owner of the seized motorcycle nor he has



any concern with the same and also not any concern with the recovered liquor. He also submits that the petitioner was not present on the spot nor any incriminating article has been recovered from the conscious possession of the petitioner. He further submits that petitioner has no criminal antecedent and he undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Special Judge Excise, Gaya / Concerned Trial Court in connection with Excise P.S. Case No. 429 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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