

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53528 of 2024

Arising Out of PS. Case No.-120 Year-2024 Thana- BHAGWANPUR District- Vaishali

Tuntun Chaudhary S/o Kishun Chaudhary R/o vill - Ashoe, P.S. -
Bhagwanpur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 120/2024 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 30(c), 34, 36 of the Bihar Excise Act.

3. Altogether 4.750 litres Indian made foreign liquor as well as other articles for preparing of liquor has been recovered from the house of the petitioner. One male and one female co-accused were apprehended from the spot.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no



concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not apprehended on the spot. He has been made accused in the present case merely because the alleged recovery is said to have been made from the house of the petitioner, rather the real fact is that the place of recovery is a joint family property, which is inhabited by his several family members and he had no knowledge of keeping of the said liquor in the house. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of case, as the alleged recovery is said to have been made from the house of the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. Accordingly, this application stands dismissed.

(Anjani Kumar Sharan, J)

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