

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52775 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- BALIYA District- Begusarai

Subodh Chaudhary S/o Late Darogi Chaudhary R/o Ward No. 03, Bari-Ballia,
P.S- Ballia, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2024 Heard Mr. Pritish Kumar Lal, learned counsel for
the petitioner and Mrs. Indu Kumari Srivastava, learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Ballia P.S. Case No. 103 of 2024 dated 25.03.2024
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

3. Learned counsel appearing for the petitioner
submits that the petitioner has been falsely implicated in the
present case at the instance of village *Chowkidar*, namely, Vijay
Chaudhari with whom the petitioner has inimical relation.
Learned counsel further submits that as per FIR, the house of
the petitioner was raided and 175 litres toddy (*Tari*) was
recovered but the same was not recovered from the conscious



possession of the petitioner, as on the date of raid, mother of the petitioner had died and he was away from his village for the cremation of his mother and regarding the death of his mother, the Death Certificate (Annexure-2), issued by the competent authority has been filed with this petition. Learned counsel further submits that the part of the house from where the alleged *Tari*, was recovered has not been disclosed in the seizure memo. Learned counsel further submits that the petitioner has not been found trading any intoxicant and has got no criminal antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the submissions noted hereinabove and mainly the facts that in the seizure memo, part of the house from where the alleged fermented *Tari* was recovered, has not been disclosed and in this regard, the seizure memo is vague and further, admittedly, the petitioner was not found when his house is said to have been raided and as per his statement he was busy in the cremation of his mother and in this regard, he has also filed the Death Certificate (Annexure-2), issued by the competent authority and keeping in view the petitioner's fair and clean antecedent disclosed in the petition and also, the fact that as per submission several family members



reside in the house of the petitioner, in my opinion, it is a fit case for anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Ballia P.S. Case No. 103 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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