

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60660 of 2024

Arising Out of PS. Case No.-104 Year-2024 Thana- OBRA District- Aurangabad

Birendra Chaudhary @ Virendra Chaudhary Son of Ramnath Chaudhary
Village- Nawner, P.S.- Obra, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with G.R. No. 436 of 2024 arising out of Obra P.S. Case No. 104 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 80 litre country made liquor was recovered from hut of petitioner and co-accused Sambhu Ram and they succeeded in fleeing away from the place of occurrence. Petitioner and co-accused Sambhu Ram are said to have involved in the business of illicit liquor.

4. Learned counsel for the petitioner submits that from perusal of the F.I.R., it is not clear as to who has divulged



the name of petitioner and other, and hence the authenticity of the F.I.R. is doubtful. Petitioner is not the owner of the said hut in question from where the alleged recovery has been made. He is not in any connected with the alleged occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. There is no compliance of Section 100 of Cr.P.C. He further submits that co-accused Shambhu Ram has already been granted anticipatory bail by this Court vide Cr. Misc. No. 47020 of 2024 and the case of present petitioner stands on similar footing. Hence, petitioner also deserves bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



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 learned Court of Special Judge of Excise-II, Aurangabad in connection with G.R. No. 436 of 2024, arising out of Obra P.S. Case No. 104 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

alok/-

U		T	
---	--	---	--

