

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74336 of 2024

Arising Out of PS. Case No.-349 Year-2024 Thana- BANIAPUR District- Saran

Lal Babu Kumar Chaudhary @ Lal Babu Chaudhary Son of Ashok Chaudhary Resident of Village - Hanshrajpur Kala, P.S.- Baniyapur, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar Nirala

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 14-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Baniyapur P.S. Case No. 349 of 2024 dated 03.08.2024 registered under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the F.I.R. a total quantity of 10 liters of illicit country made liquor has been recovered behind the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence in the manner alleged. The name of the petitioner has surfaced in the confessional statement of the co-accused / Tarkeshwar



Chaudhary with whom the petitioner is having inimical terms due to land dispute. The illicit liquor in question has not been recovered from the conscious possession and / or premises belonging to the petitioner. He submits that on the alleged date and time of occurrence the petitioner was not present in his village inasmuch as he had gone to Mumbai for a private job. The petitioner has got clean antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and / or premises belong to the petitioner rather the same has been recovered behind the house of the petitioner which is an open space accessible to all and sundry and the petitioner has clean antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Baniyapur P.S. Case No. 349 of 2024 subject



to the condition as laid down under Section 438 (2) of the
Cr.P.C.

(Anil Kumar Sinha, J)

praful/-

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

