

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72556 of 2024

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

Dashrath Choudhary @ Dasrath Choudhary S/o Late Natho Choudhary R/o
Village- Bari Balia, Dakshini, Ward No.16, P.S.- Balia, District- Begusarai
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-10-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Balia P.S. Case No. 103/ 2024 dated 25.03.2024 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition & Excise Act.

3. Mr. Bhola Prasad, learned counsel for the petitioner submits that though there is one criminal antecedent of the similar nature of the offence against the petitioner but in the present matter there is no any material to show the petitioner's involvement in the offences of Excise Act and even no suspicion was raised against him. It is further submitted that as per F.I.R., the police got information that some persons were involved in manufacturing of illicit fermented toddy and thereafter the



police raided the house of six persons and recovered alleged fermented toddy but the house of this petitioner was not raided at that time and the first part of the F.I.R. does not show that any suspicion regarding the petitioner's involvement in manufacturing of the toddy has been raised and in the last paragraph of the F.I.R. the petitioner was shown as absconding but it has not been disclosed why he was absconding. Hence, the prayer for anticipatory bail of the petitioner is maintainable as the alleged offences of Excise Act do not attract against him even *prima facie*.

4. Though, Mr. Akbar Ali, learned APP appearing for the State has opposed the bail prayer of the petitioner but fairly accepted that in the F.I.R. there is no tenable ground to make the petitioner an accused and the petitioner's house was not raided at the relevant time.

5. Having considered the above submissions, particularly, petitioner's defense which has not been controverted by the learned A.P.P., this court finds the petitioner's prayer to be fit for accepting. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with



Ballia P.S. Case No. 103/ 2024 on furnishing bail bond of Rs.20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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