

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75608 of 2024

Arising Out of PS. Case No.-693 Year-2024 Thana- NAWADA District- Nawada

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Anil Chaudhary @ Badha Son of Gorelal Chaudhary @ Gore Chaudhary
Resident of village- Bhadauni Hatpur, P.S-. Town, District -Nawada
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 11-11-2024 Heard learned Counsel for the petitioner and learned

APP for the State.

2. The petitioner is apprehending arrest in connection with Nawada Town P.S. Case No. 693 of 2024 registered on 22.06.2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution, the allegation made against the petitioner is that the person who has been arrested by the police has disclosed the name of the petitioner to the effect that he was going to deliver the said 55 liters of wine to the petitioner and on this ground his name has figured in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner's antecedent is not clean one case is pending against the petitioner but the said case is not related to the excise matter. He further submits that nothing has been



recovered from his possession but only by virtue of the confessional statement of co-accused that he was going to deliver the material to the petitioner, he has been made accused in this case. He submits that none of the offence has been made out against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that in the rejection order, the Court has acknowledged that the said wine was to be delivered to the petitioner and on this ground his bail has been rejected.

6. In the background of the statement that the ingredient of Excise Act is not there against the petitioner in this case, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 6 weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Excise Court-1, Nawada, in connection with Nawada Town P.S. Case No. 693 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J)

Ashwini/-

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