

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82260 of 2024

Arising Out of PS. Case No.-491 Year-2024 Thana- CHAPRA TOWN District- Saran

Krishna Chaudhary Son of Janak Chaudhari R/O-Village- Sandha Dhala, P.S.-
Chapra Town, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijanth Thakur, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard Mr. Baijnath Thakur, learned Advocate for the
petitioner and Mr. Ramchandra Sahni, learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Chapra Town P.S. Case No. 491 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amended) Act.

3. The allegation against the petitioner is of involved
in sell of illicit wine. The police on a secret information
conducted raid in a dilapidated house situated in a railway
colony and from an iron make Kiosk, 64.770 litres of illicit
foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner drawing the attention of this Court to the FIR,
primarily contended that the alleged recovery has been made



from a dilapidated house, which does not belong to the petitioner and situated in a railway colony. The petitioner has no concern with the alleged recovered illicit wine. However, only on account of the fact that the petitioner bears six criminal antecedent of identical nature, his name has been implicated in this case. It is the contention of the petitioner that in the entire locality wherever and whenever any illicit wine is recovered, the police are in the habit of implicating the name of the petitioner without there being any cogent material. In the present case also, there is no such material, except suspicion. There are other infirmities in the search and seizure, is the contention of the learned Advocate of the petitioner.

5. On the other hand, learned counsel for the State vehemently opposed the pre-arrest bail application of the petitioner and submitted that the petitioner bears six criminal antecedent, out of which five criminal antecedent is in relation to the offences under the Bihar Prohibition and Excise Act, and as such, the complicity of the petitioner cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the criminal antecedent of petitioner, this Court is not acceded to the prayer of the petitioner for grant of anticipatory bail. Accordingly, his prayer



is rejected.

7. However, if the petitioner surrenders before the Court below within a period of eight weeks from today and seeks regular bail, the same shall be considered on its own merit without being prejudiced by the present order, considering the fact that no recovery has been made from the conscious or constructive possession of the petitioner.

(Harish Kumar, J)

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