

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78080 of 2024

Arising Out of PS. Case No.-456 Year-2024 Thana- SAKRA District- Muzaffarpur

Raushan Kumar @ Raushan Chaudhary Son of Kamal Kishor Chaudhary
Village- Dardha. PS -Sakra District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-12-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Sakra PS case no. 456 of 2024, disclosing offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The prosecution story, as per the First Information report, is that on 31.08.2024, the informant/ police official got secret information that co-accused Raj Darash Mahto has kept foreign liquor in the kiosk (gumti), proceeded towards the place of occurrence. On seeing the police party, two persons started fleeing away, one person succeeded in fleeing away while the other was arrested. The apprehended person disclosed his name as Munna Kumar and 7.680 liters of foreign liquor has been



recovered from the kiosk. The apprehended person has disclosed that the liquor was purchased from the petitioner, whereafter police party proceeded towards the house of the petitioner and upon seeing the police party, one person fled away. Upon search, police recovered total 71.640 liters of foreign liquor from the temporary hut made of bamboo and tin, situated in front of the house of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused on the basis of disclosure of his name by the arrested accused person, from whose kiosk, foreign liquor has been recovered. He further submits that the illicit liquor has not been recovered from inside the house rather it was recovered from the temporary shop, situated in front of the house of the petitioner, which can be accessed by anybody.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that illicit liquor has not been recovered from inside the house of the petitioner rather the same has been recovered from a temporary shop situated in front of the house of petitioner, which is accessible to all and sundry, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.



7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Muzaffarpur in connection with Sakra PS case no. 456 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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