IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.588 of 2024

Arising Out of PS. Case No.-437 Year-2023 Thana- MUFFASIL District- Aurangabad

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Bhola Choudhary Son of Sri Late Chhedi Choudhary Resident of Village - Ora, P.S. Aurangabad Mufassil, District- Aurangabad (Bihar).

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Aurangabad Mufassil P.S. Case No. 437 of 2023 dated 16.10.2023 for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 39.600 litres of illicit country made liquor was recovered from the house of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has surfaced in this case merely on suspicion. It is further submitted that the petitioner

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has no concern with the alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the recovery has been made from the house of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, I am of the view that no case for grant of anticipatory bail is made out and the same is disposed of with direction to the petitioner to surrender before the Court below concerned within six weeks from today and pray for regular bail and the learned Court below shall consider the prayer for regular bail of the petitioner on the same day without being prejudiced by this order.

8. The application stands disposed of.

(Chandra Prakash Singh, J)

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