

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2533 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- EKMA District- Saran

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Jitendra Choudhary @ Jitendra Kumar Choudhary @ Shani Choudhary Son
of Late Anwati Choudhary Vill-Parsagarh, Choudhary Muhalla, Ps-Ekma,
Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ekma P.S. Case No. 264 of 2023 dated 08.07.2023 instituted for
the offence punishable under Sections 30(a), 45 of the Bihar
Prohibition and Excise Act.

3. The allegation against the petitioner and one other
co-accused person is that total 100 litres illicit country made
liquor has been recovered from the roof of the house of the
petitioner.

4. Learned counsel for the petitioners submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered



from the possession of the petitioner. Learned counsel for the petitioner submits that due to local dirty politics, the petitioner has been implicated in this case. Learned counsel for the petitioner further submits that the police did not follow the procedure prescribed under Section 100 of the Code of Criminal Procedure while searching the alleged place of recovery. Lastly, it has been submitted that petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Since the alleged recovery has been made from the roof of the house of the petitioner, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Anticipatory Bail application of the petitioner stands dismissed.

(Khatim Reza, J)

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