

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3282 of 2025

Arising Out of PS. Case No.-229 Year-2024 Thana- BHARGAMA District- Araria

Rajesh Choudhari Son of Pannalal Choudhari village- Charaiya Mangalwar,
Ward no. 13, Ps- Bhargama, Dsit- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha
For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 20-02-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Bhargama Police Station Case No. 229 of 2024, dated 27.07.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The prosecution case, as per the First Information Report, is that the police, on information that the petitioner was indulged in selling illicit liquor, reached at the place of occurrence. On seeing the police party, one person carrying plastic bag started fleeing away towards back of his house and succeeded in it after leaving the plastic bag behind. Upon search of the plastic bag, the police



recovered 22.50 liters of country made liquor.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and has falsely been implicated in the present case on mere suspicion and on the basis of concocted story. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. Rather, illicit liquor has been recovered from back of his house, which is an open space accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from back of his house which is an open space accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, 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 the learned District and Additional Sessions Judge -cum- Exclusive Special Judge II, Araria, in connection with Bhargama Police Station Case No. 229 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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