

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64788 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- HARSIDHI District- East Champaran

Santosh Chaudhary @ Santosh Sahani Son of Shivnarayan Sahani @
Shivnarayan Chaudhari Resident of Village- Bairiya Dih, P.S.- Harsidhi,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

2 17-01-2025 Heard learned Counsel for the petitioner and

Learned APP for the State.

2. The petitioner is apprehending his in connection with Harsidhi P.S. Case No. 78 of 2024 instituted for the offences punishable under Section 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, F.I.R. has been lodged against two named accused persons including the present petitioner against whom there is an allegation of recovery of 50 litres of *Spirit* from the house and one of the accused namely Rita Devi was apprehended from the spot,

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that he has two antecedent of similar nature in which he



is on bail. He further submits that the alleged spirit was not recovered from the possession of the petitioner rather it was behind his house in abandoned condition. His name has been transpired from the confessional statement of the co-accused namely Rita Devi.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. From perusal of the impugned order dated 26.04.2024, it appears that the alleged spirit was recovered from the house of the petitioner and petitioner managed to escape from the place of occurrence.

7. Considering the aforesaid facts and circumstances of the case and the submissions made on behalf of the petitioner, the present petitioner is barred by Section 76(2) of Bihar Prohibition and Excise Act, 2016 I am not inclined to grant anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

Sunnykr/-

U			
---	--	--	--

