

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39023 of 2016

Arising Out of PS.Case No. -162 Year- 2016 Thana -MANJHI District- SARAN

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1. Mintoo Chaudhary @ Mantoo Kumar Chaudhary @ Mintu Chaudhary
2. Shambhu Chaudhary

Both are sons of Late Gopal Chaudhary, residents of village - Manjhi
Chaubha Asthan, P.S. Manjhi, District - Saran Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 20-09-2016 Heard Sri Anant Kumar Bhaskar, learned counsel
for the petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in
Manjhi P.S. Case No. 162/2016 registered for the offence under
Sections 47, 51, 53 (C) of the Bihar Excise Amendment Act,
2016, have prayed for grant of bail, in the event of their arrest or
surrender.

It was submitted by learned counsel for the
petitioners that both petitioners have been made accused in the
present case on false recovery of 5 liters and 3 liters of Mahua
country-made liquor respectively from their rooms. It was argued
by learned counsel for the petitioners that after going through the
F.I.R. it is evident that the police without any search warrant had
entered inside the house of the petitioners and conducted raid and

falsely country made liquor was shown to be recovered. He submits that it is a palpably false implication of the petitioners.

Learned Addl. Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners. However, he was not in a position to satisfy the Court as to whether the police, before conducting raid inside the residential house of the petitioners, had obtained any search warrant or not.

However, keeping in view the fact and circumstances, the Court is satisfied that it is a fit case for grant of anticipatory bail. Accordingly, let both the aforesaid petitioners, namely, (i) Mintoo Chaudhary @ Mantoo Kumar Chaudhary @ Mintu Chaudhary and (ii) Shambhu Chaudhary , in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-V, Saran at Chapra in connection with Manjhi P.S. Case No.162/2016 subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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