

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 52278 of 2017

Arising Out of PS. Case No.-361 Year-2017 Thana- Kanti District- Muzaffarpur

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1. Ganesh Choudhary, S/o Late Gona Choudhary,
2. Amar Choudhary, S/o Ganesh Choudhary,
Both are resident of Village- Motihari Road Sadatpur, P.S.-
Kanti, Dist- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramakant Sharm, Sr.Adv.

Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Smt Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2. 09-11-2017 Heard Sri Ramakant Sharma, learned senior counsel assisted by Sri Dilip Kumar Roy, learned counsel for the petitioner and learned Addl. Public Prosecutor.

Two petitioners, who are father and son respectively, have approached this Court with a prayer to extend the privilege of anticipatory bail in Kanti P.S. Case No. 361 of 2017 registered for offence under Sections 30(a), 38 & 41 of Bihar Prohibition and Excise Act, 2016.

It was submitted by learned senior counsel for the petitioners that it is a peculiar case that police on a secret information conducted raid in the house of petitioners, however; in the said raid, nothing was recovered from the house of the petitioners, but subsequently, recovery of huge quantity of Indian make foreign liquor was shown, which were kept in a car, which was standing near the house of the petitioners on



road. Learned senior counsel for the petitioners, by way of referring to statement made in paragraph – 10 of the petition, submits that petitioners have got no connection with the said vehicle and only on the ground that vehicle was found near the house of the petitioners, petitioners have been made accused. Learned senior counsel has further drawn my attention to the statement made in paragraph – 3 of the petition to show that petitioners are having clean antecedent.

Considering the nature of accusation as well as the fact that nothing was recovered from conscious possession of the petitioners and clean antecedent, in the event of arrest or surrender within a period of six weeks from today, let both petitioners namely Ganesh Choudhary and Amar Choudhary be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kanti P.S. Case No. 361 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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