

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10231 of 2018

Arising Out of PS.Case No. -1636 Year- 2017 Thana -SA SARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Krishna Choudhary, son of Shambhunath Choudhary @ Shambhu Chaudhari, Resident of Village- Karbandiya, P.S.- Sasaram (M), District- Rohtas.
2. Shivshankar Choudhary, son of Bigan Choudhary, Resident of Village- Pipradih Banwari, P.S.- Amjhour, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Sri Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2018 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sasaram (M) PS case no. 1636 of 2017 registered for the offences punishable under Sections 30(a), 35, 38 of Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 116 ltrs. of illicit liquor from the house of co-accused person who is said to be the father of the petitioner no. 1.

The learned counsel for the petitioners submits that no recovery has been effected from the conscious possession of the petitioners herein. It is further submitted that as far as petitioner no. 2 is



concerned, he is the brother-in-law of the father of the petitioner no. 1, hence neither the house from where the recovery has been effected belongs to him nor he has got anything to do with the alleged recovery of illicit liquor. It is further submitted that the father of the petitioner no. 1 has already been punished for the alleged recovery of illicit liquor, hence the petitioner no. 1 may be dealt with sympathetically. The petitioner no. 2 is said to be having clean antecedent while the petitioner no. 1 is having one case against him in which he is on bail.

Considering the nature of accusation and the fact that prima facie, no case is made out under the provisions of the Excise Act, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge, Rohtas at Sasaram in connection with Sasaram (M) PS case no. 1636 of 2017 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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