

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62907 of 2017

Arising Out of PS.Case No. -676 Year- 2017 Thana -BARACHATTI District- GAYA

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1. Guddu Chaudhary, Son of Dasrath Chaudhary.
 2. Satyendra Chaudhary @ Sikandar Chaudhary, Son of Dasrath Chaudhary,
 3. Dinesh Chaudhary, Son of Bhagirath Chaudhary.
 4. Shanti Devi, Wife of Suresh Chaudhary.
 5. Daulti Devi, Wife of Late Basudeo Chaudhary @ Late Vashudev Chaudhary, All are resident of Village- Bhimchak, Police Station- Barachatti in the district of Gaya.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sushant Kumar, Advocate.

For the Opposite Party : Mr. Satya Nand Shukla, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 30(a), 30(d), 38 and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 88.6 liters Mahua wine alongwith 200 Kg. Mahua Flower is said to have been recovered.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent.



There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The name of the petitioners has come on the basis of recovery of wine from joint house of the petitioners where other family members also reside. It is alleged that from the houses of accused, total 88.6 liters Mahua wine alongwith 200 Kg. Mahua Flower is recovered. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya, in connection with Barachatti P.S. Case No. 676 of 2017, subject to the conditions as laid down under Section 438(2)



of the Code of Criminal Procedure.

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(Sudhir Singh, J)

