

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13307 of 2019

Arising Out of PS. Case No.-364 Year-2018 Thana- HISUWA District- Nawada

1. Gorelal Choudhary. Son of Ramjee Choudhary Resident of Village-Tungichak, P.S.-Hisua, District-Nawada.
2. Koiri Choudhary, Son of Ramjee Choudhary, Resident of Village-Tungichak, P.S.-Hisua, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per self statement of S.I.-cum-S.H.O., Hisua Police Station recorded on 23.12.2018, is to the effect that on the same day, at about 12.30 P.M., the informant received an information that petitioners and co-accused Damodar Chaudhari and Rambalak Chaudhary are selling illicit country made liquor, whereupon raid was laid, but as soon as the police personnel reached near a water channel, all the



accused persons escaped from the scene when from the embankment of water channel, 15 litres of country made Mahua liquor were recovered. It is alleged that local Chaukidar suggested the name of above mentioned four accused persons, who escaped from the place of seizure.

It is submitted by learned counsel for the petitioners that recovery cannot be treated from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that apart from present case, the petitioners are also involved in one other case of similar nature.

Learned APP submits that on arrival of the police personnel, the petitioners escaped from the place of seizure.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioners, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and



Sessions Judge-II-cum-Special Judge, Nawada in connection
with Hisua P.S. Case No. 364 of 2018, subject to the condition
as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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