

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13915 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- HISUWA District- Nawada

1. Gorelal Choudhary, age about 27 (Male).
2. Koiri Choudhary, age about 24 (Male).
Both are Sons of Ramjee Choudhary Resident of Village - Tungichak, P.S.-
Hisua, Distt.- 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 RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection
with Hisua P.S. Case No. 365 of 2018 registered for the offences
punishable under Section 30 (a) of the Excise Act.

Learned counsel for the petitioners submits that it is a
case of false implication of the petitioners due to the local
village politics. It is submitted that the police has registered two
F.I.R (s) on the same date. Learned counsel for the petitioners
submits that the false implication of the petitioners would be
apparent from the fact that on 23.12.2018 the same police
officer registered a F.I.R on his own statement saying that near
the 'Pan' (the word is normally used for Irrigation Channels) 15
liters of Mahua wine was recovered and two independent



witnesses put their signature on the seizure list. The persons present there disclosed the name of these petitioners as the persons who were involved in bringing Mahua wine and selling thereof. Thereafter, on the next day, raid is said to have been conducted by the same police officer near the bank of the river from where 36 pouch i.e., 18 liters of Mahua wine has been recovered. The same two persons who were the seizure-list witness on 23.12.2018 stood as witness in this case also. It is submitted that the petitioners have no criminal antecedent prior to this case. However, because the two cases were lodged, now in Paragraph 3 of the application the petitioners have stated about one more case of similar nature against them. It is submitted that in this circumstance, the fact that there is one more case against the petitioner may not be taken as a ground for rejection of his prayer for anticipatory bail. The petitioners are said to have clean antecedent otherwise.

Learned APP for the State is present and has opposed the prayer for bail of the petitioners as according to him the name of these petitioners have transpired in the statement of persons who had assembled there in course of raid.

In the given facts and circumstances of the case, where the recovery is said to have been made from the bank of



the river and then the same seizure-list witness who had signed the seizure-list in Case No.364 of 2018 has been witness in the present case also and otherwise there is no material to connect these petitioners in connection with this case as also they are having no criminal antecedent, let in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge Iind-cum-Spl. Judge, Nawada in connection with Hisua P.S. Case No. 365 of 2018, subject to the condition that petitioners shall join the investigation by reporting to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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