

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18663 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SIRDALA District- Nawada

1. Pintu Chaudhary, Son of Ramkrit Chaudhary, Resident of Village - Laund Chamotha Hat, P.S.- Sirdala, Distt - Nawada.
2. Guddu Chaudhary, Son of Late Yugal Chaudhary, Resident of Village - Laund Chamotha Hat, P.S.- Sirdala, Distt - Nawada.
3. Mohan Chaudhary, Son of Late Bandho Chaudhary, Resident of Village - Laund Chamotha Hat, P.S.- Sirdala, Distt - Nawada.
4. Manoj Chaudhary, Son of Late Bandho Chaudhary, Resident of Village - Laund Chamotha Hat, P.S.- Sirdala, Distt - Nawada.
5. Gorelal Chaudhary, Son of Late Bandho Chaudhary, Resident of Village - Laund Chamotha Hat, P.S.- Sirdala, Distt - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj

For the Opposite Party/s : Mrs. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned Counsels for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered



for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of S.I.-cum-SHO, Birendra Choudhary submitted to Additional District and Sessions Judge-II, Nawada is to the effect that a secret information was received that petitioner no.1, Pintu Choudhary is indulged in selling of country made liquor in his agricultural field and at some distance from his agricultural field, petitioner nos.2 to 5, Guddu Chaudhary, Mohan Chaudhary, Manoj Chaudhary, Gorelal Chaudhary are preparing country made liquor in their agricultural field, whereupon, a raid was laid and on seeing the police party, petitioner no.1, Pintu Chaudhary managed to escape from the scene. It is further alleged that from the agricultural field of petitioner no.1, Pintu Chaudhary, 13.5 litres of country made liquor were recovered, whereas from the agricultural field of petitioner nos. 2 to 5 and other co-accused person, equipments used for preparing country made liquor were recovered.

It is submitted by learned counsel for the petitioners that the recovery has been made from an open agricultural field of petitioner no.1, hence it can not be treated from the conscious physical possession of the petitioner no.1. It is further submitted



that from perusal of the seizure list, nothing has been recovered from the conscious physical possession of petitioner nos.2 to 5. It is further submitted that similarly situated co-accused persons, Raju Choudhary and Dipu Choudhary have been granted bail by Co-ordinate Bench of this Court, vide order dated 26.03.2019 passed in Cr. Misc. No.16937 of 2019. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the recovery has been made from the agricultural field of the petitioners and they are named in the FIR.

Considering the fact that the recovery has been made from an open agricultural field of the petitioner no.1 and from the perusal of the seizure list, nothing has been recovered from the conscious physical possession of petitioner nos.2 to 5, similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court, coupled with 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 or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of the learned **ADJ-II-cum-Special Court, Nawada** in connection with Amour **Sirdala P.S. Case No.13 of 2019**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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