

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38655 of 2019

Arising Out of PS. Case No.-229 Year-2019 Thana- NATHNAGAR District- Bhagalpur

1. Raja Choudhary Son of Sitaram Choudhary, Resident of Village-Mahmadpur, P.S.-Madhusudanpur, District-Bhagalpur.
2. Radha Choudhary Wife of Sitaram Choudhary, Resident of Village-Mahmadpur, P.S.-Madhusudanpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 25-06-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 229 of 2019 registered for offence punishable under section 30 (A) of the Bihar Prohibition Excise Act, 2016.

It has been alleged that a huge quantity of liquor has been recovered and the person who has been arrested, has disclosed that they are engaged in the business of home delivery of illegal liquor. During investigation, the name of these petitioners has transpired.

Looking to the fact that the petitioner no. 2 is lady, her prayer for bail of the petitioner is allowed and she, in the event of arrest or surrender before the court below within six weeks from



today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge-cum-Special Judge, Excise, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 229 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner no. 2 shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner no. 2 will not induce any witness or tamper with the evidence. The petitioner no. 2 shall cooperate in the disposal of trial and make herself available as and when required by the court. If the petitioner no. 2 is found involved in similar type of allegation in future, the prosecution will have liberty to file an application for cancellation of her bail bond.

So far petitioner no. 1, his prayer for bail is rejected. However, if he surrenders and prays for regular bail, the court below without being prejudiced by this order, will take decision in accordance with law.

(Shivaji Pandey, J)

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