

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43088 of 2019**

Arising Out of PS. Case No.-307 Year-2018 Thana- AKBARPUR District- Nawada

1. Kapil Choudhary, Aged about 27 years, Male, Son of Soudagar Choudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, Dist.- Nawada.
2. Raghun Choudhary, Aged about 22 years, Male, Son of Soudagar Choudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, Dist.- Nawada.
3. Sanjay Choudhary, Aged about 29 years, Male, Son of Munni Choudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, Dist.- Nawada.
4. Sharwan Choudhary, Aged about 28 years, Male, Son of Mouji Choudhary, Resident of Village - Sanokhra, P.S.- Akbarpur, Dist.- 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.Indu Kumari Srivastava

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 12-07-2019 Heard both sides.

Petitioners apprehend their arrest in Akbarpur P.S. Case No.307 of 2018, registered under Section 30(a) of the Bihar Excise Act.

The informant, S.H.O. of Akbarpur P.S., alleged that he got information about preparation of illicit liquor on a bank of a river. On such a raid was conducted. One Gorelal Choudhary was apprehended and he disclosed the names of the petitioners and others who managed to flee away from the site of preparation of illicit liquor.

Learned counsel for the petitioners submits that petitioners have no manner of concern with the preparation of illicit liquor.



Gorelal Choudhary was preparing liquor who was arrested on the spot but the petitioners who are the villagers of Gorelal Choudhary have been falsely been implicated. It is further submitted that similarly situated co-accused, Guddu Chaudhary has already been enlarged on anticipatory bail vide order dated 17.04.2019, passed in Cr. Misc. No.24832 of 2019 and the case of the petitioners stands on the same footing as that of Guddu Chaudhary.

Taking into consideration the facts that recovery of illicit liquor was made from the bank of a river where Gorelal Choudhary was apprehended and the names of the petitioners surfaced in the disclosure of Gorelal Choudhary but nothing has been recovered from possession of the petitioners or from their house, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail 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 Additional District & Sessions Judge-IIInd-cum-Special Judge, Nawada in connection with Akbarpur P.S. Case No.307 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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