

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48086 of 2019

Arising Out of PS. Case No.-130 Year-2019 Thana- GURUA District- Gaya

1. CHHOTU CHAUDHARY Son of Late Jatu Chaudhary Resident of Village- Tarwan, P.S.- Gurua, District- Gaya.
2. Laphu Chaudhary @ Sunil Kumar Son of Kanai Chaudhary Resident of Village- Tarwan, P.S.- Gurua, District- Gaya.
3. Madan Chaudhary Son of Kanai Chaudhary Resident of Village- Tarwan, P.S.- Gurua, District- Gaya.
4. Anil Chaudhary Son of Kanai Chaudhary Resident of Village- Tarwan, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-08-2019 Initially it is submitted by learned counsel for the petitioners that petitioner no.3, Madan Chaudhary has been arrested during pendency of the application.

Hence, this application, so far as it relates to petitioner no.3 stands disposed of.

Heard learned Counsel for the petitioners and learned APP for the State.

Petitioner nos. 1, 2 and 4 are apprehending arrest in a case registered for the offences punishable under Sections 30(d) of the Bihar Prohibition and Excise Act, 2016.



It is alleged that on the basis of secret informant that the petitioner Chhotu Chaudhary, co-accused, Anil Chaudhary, Laphu Chaudhary and Madan Chaudhary are indulged in the trade of illicit liquor, a raid was laid, whereupon from the house of the petitioner, 5 kgs of Mahua Flower were recovered.

It is submitted by learned counsel for the petitioner that there is accusation of managing the illicit liquor, but from the possession of the petitioner only Mahua flower has been recovered, which does not come within the preview of Excise Act. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that Mahua flower has been recovered from the house of the petitioner.

Considering the quantity of flower without any indication that the same was kept for manufacturing of mahua liquor coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner nos. 1, 2 and 4 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 Special Judge (Excise), Gaya in connection with Gurua
P.S. Case No.130 of 2019, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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