

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58490 of 2019

Arising Out of PS. Case No.-203 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. BABUYA JI CHAUDHARY Son of Prem Chaudhary, Resident of Village- Dewariya, Police Station- Maharajganj, District- Siwan
2. Jitendra Chaudhary Son of Prem Chaudhary, Resident of Village- dewariya, P.S.- maharajganj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-09-2019 Heard both sides.

Petitioners apprehend their arrest in Maharajganj P.S.

Case No.203 of 2019 registered under Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act.

The informant alleged that he got information that the petitioners and others are indulged in manufacturing and selling liquor. When the informant went to the place of occurrence, five persons are said to have fled away.

Learned counsel for the petitioners submits that on search, from a room situated behind the house of petitioner no.1, six litres of country made liquor was recovered. Petitioner no.2 is own brother of petitioner no.1. The informant did not receive



any information about indulgence of petitioner no.2 in the trade of illicit liquor but petitioner no.2 has also been made accused. No material was recovered showing that the petitioners and their family members are indulged in manufacturing liquor.

Having considered the facts that save and except the fact that petitioner no.2 Jitendra Chaudhary is the brother of petitioner no.1, there is nothing against him, petitioner no.2, namely, Jitendra Chaudhary, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Maharajganj P.S. Case No.203 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of petitioner no.1, Babuya Ji Chaudhary is concerned, the police has got inputs about his indulgence in the trade of illicit liquor and on raid, from a room behind the house of petitioner no.1, six litres of country made liquor was recovered.



Having considered the facts aforesaid, I am not inclined to enlarge petitioner no.1, namely, Babuya Ji Chaudhary on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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