

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62070 of 2019

Arising Out of PS. Case No.-89 Year-2019 Thana- NAVINAGAR District- Aurangabad

1. Pawan Chouhan (Male) aged about 35 years, S/o Hridya Chouhan @ Hriday Chaudhary, R/o village- Phutarwa, P.S.- Nabi Nagar, District- Aurangabad.
2. Bulet Chouhan (Male) aged about 27 years, S/o Rameshwar Chouhan, R/o village- Shiv Sagar (Sarpanch Bigha), P.S.- Nabi Nagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-10-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Nabinagar P.S. Case No.89 of 2019 registered under section 30 (a) of the Bihar Prohibition of Excise Act, 2018.

The allegation against the petitioners, as per the first information report, is that the police on secret information proceeded towards the place of occurrence and recovered a total quantity of 40 liters of illicit *mahua* liquor from a field near well.

Mr. Kamendra Prasad Singh, learned counsel appearing for the petitioners submits that the petitioners are having no criminal antecedent and have falsely been implicated by the police with oblique motive. Learned counsel further submits that on



perusal of the first information report it would be evident that the illicit liquor has been recovered from an open space near the well in the village and the same has not been recovered from the conscious possession or the premises belonging to the petitioners.

Having regard to the submissions made by the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession or the premises belonging to the petitioners and the petitioners have got no criminal antecedent, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge VII-cum-Special Judge, (Excise), Aurangabad in connection with Nabinagar P.S. Case No. 89 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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