

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72732 of 2019

Arising Out of PS. Case No.-141 Year-2019 Thana- GUTHANI District- Siwan

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1. RAMAYAN CHAUDHARY @ RAMAYAN YADAV S/O Late Shiv Lal Chaudhary R/O village- Khap Jataur, P.S.- Guthani, District- Siwan
 2. Rajesh Chaudhary @ Chhotu @ Rajesh Jaudhari S/O Ramayan Chaudhary @ Ramayan Yadav R/O village- Khap Jataur, P.S.- Guthani, District- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Guthani P.S. Case No. 141 of 2019 registered under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioners submits that petitioners have committed no offence and have falsely been implicated in this case on the basis of confessional statement of co-accused and petitioners have no criminal antecedent.

Learned A.P.P. for the State has opposed the



prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein in the First Information Report itself the Sub-Inspector of Police who has lodged the case has clearly stated that he had got information that in the house of petitioner no. 1, his two sons and wife were involved in storage of illicit liquor and sale thereof, and on such information the police party had conducted raid in which 54 liters of illicit liquor were recovered and the name of this petitioner has been brought in this case only because he happened to be the father of those two sons against whom there were allegations that they were involved in the alleged offence, and further submission of learned counsel for the petitioners that so far as petitioner no. 1 is concerned he resides in the house with his two sons who are adult and have their own share in the said house as a coparcener and that there is no allegation that this petitioner was involved in storage of illicit liquor, there being no criminal antecedent of petitioner no. 1, in the event of his arrest/surrender before the court below within a period of four weeks, let the petitioner no. 1 be enlarged on bail



furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) 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 Guthani P.S. Case No. 141 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

So far as petitioner no. 2 is concerned, he is the son of petitioner no. 1 and there are allegations against him coupled with recovery of illicit liquor from the house in which it is said that the petitioner no. 2 and one of his brothers and mother were involved in storage and sale of



illicit liquor, this court is not inclined to grant privilege of anticipatory bail to petitioner no. 2.

Accordingly, prayer for anticipatory bail of petitioner no. 2 is refused.

In case, petitioner no. 2 surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it's own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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