

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81780 of 2019

Arising Out of PS. Case No.-407 Year-2019 Thana- BASANTPUR District- Siwan

1. KRISHNA CHAUDHARY Son of Late Lal Bahadur Chaudhary Resident of Village - Madarpur, P.S.- Basantpur, Distt.- Siwan.
2. Sandeep Chaudhary @ Sandeep Kumar Chaudhary Son of Krishna Chaudhary Resident of Village - Madarpur, P.S.- Basantpur, Distt.- Siwan.
3. Vikki Kumar Chaudhary Son of Kanhaiya Chaudhary Resident of Village - Madarpur, P.S.- Basantpur, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr.Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272, 273, 308 of the Indian Penal Code and Sections 30(a), 37(c) of the Bihar Prohibition and Excise, Act, 2016.

It is alleged that from the courtyard underneath of the stairs of the house of the petitioners, 15 litres of country made liquor has been recovered.

It is submitted by learned counsel for the petitioners that since the said recovery has been made from the joint family



house that too from an open courtyard, hence, it cannot be treated from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners being old people are not having any criminal antecedent.

It is submitted by learned APP for the State that the said recovery has been made from the house of the petitioners.

Considering the quantity and nature of recovery, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of four weeks in connection with Basantpur P.S. Case No. 407 of 2019, pending before the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan.

With the above observation, this application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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