

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82292 of 2019**

Arising Out of PS Case No.-363 Year-2019 Thana- BELAGANJ District- Gaya

1. Ashok Choudhary aged about 30 years (Male) Son of Late Kailash Choudhary Resident of Village - Rouna, P.S.- Belaganj, District- Gaya.
2. Sanju Choudhary aged about 28 years (Male) Son of Birju Choudhary Resident of Village - Rouna, P.S.- Belaganj, District- Gaya.
3. Santoshi Devi aged about 32 years (Female) Wife of Gopal Choudhary Resident of Village - Rouna, P.S.- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary

For the State : Mr. Md. Arif, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 12-12-2019

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Belaganj PS Case No. 363 of 2019 dated 12.10.2019 instituted
under Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

3. The allegation against the petitioners is that they were
indulging in manufacturing of illegal Mahua liquor.



4. Learned counsel for the petitioners submitted that whatever has been recovered has been found outside the house of petitioner no. 1, for which he cannot be held responsible. It was submitted that even such recovery from outside the house, was only of two litres of illicit Mahua liquor and from petitioner no. 2, nothing was recovered, whereas from outside the house of petitioner no. 3, five litres illicit Mahua liquor was recovered. It was submitted that the petitioners have been falsely implicated only on suspicion and have no criminal antecedent.

5. Learned APP, submitted that the police had received confidential information that the petitioners no. 1 and 2 were indulging in manufacture of illicit Mahua liquor and from behind the house of the petitioner no. 1, 12 drums were recovered in which Mahua was being fermented, besides two litres of illicit Mahua liquor. It was submitted that the petitioners no. 1 and 2 were involved in manufacturing illicit Mahua liquor. It was further submitted that from behind the house of the petitioner no. 3, five litres of illicit countrymade liquor was recovered. However, on a query of the Court as to whether against the petitioner no. 3 also there is allegation of manufacturing illicit Mahua liquor and materials to show such manufacture had been recovered, learned APP fairly submitted that such is not the case.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within four weeks from today, the petitioner no.3, Santoshi Devi, be released on bail upon furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya, in Belaganj P.S. Case No. 363 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. One of the bailors shall be a close relative of the petitioner no. 3. The petitioner no. 3 and the bailors shall execute bond with regard to good behaviour of the petitioner no. 3. The petitioner no. 3 shall also give an undertaking to the Court that she shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner no.3 shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

8. The prayer for anticipatory bail with regard to petitioners no. 1 and 2, is rejected.



9. The application stands disposed off.

(Ahsanuddin Amanullah, J.)

Anand Kr.

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