

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1716 of 2020**

Arising Out of PS. Case No.-463 Year-2019 Thana- BASANTPUR District- Siwan

1. Rajeshwar Chaudhary, Son of Jaglal Chaudhari
 2. Ganesh Chaudhary, Son of Late Bal Mukund Chaudhary
- Both are Resident of Village - Sipah, P.S.- Basantpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-01-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners in this case are seeking anticipatory bail in connection with Basantpur P.S. Case No.463 of 2019 registered for the offences punishable under Sections 272, 273 and 308 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

This is an anticipatory bail application. The allegations as disclosed in the FIR and shown in the seizure list demonstrate that there has been recovery of certain quantity of illicit liquor from the house of these petitioners, the contention of learned counsel for the petitioners is that the petitioner no.1 is 70% differently abled person, the house in question belongs to a joint family, therefore, the petitioners may be granted privilege of anticipatory bail.



Learned APP for the State submits that since the recovery has been made from the house of these petitioners, there are at least some material to indicate that a case being made out against the petitioners and, therefore, the anticipatory bail application is not fit to be entertained.

Considering the allegation of recovery of illicit liquor from the house of the petitioners, this Court is not inclined to entertain this application in view of the Full Bench judgment of this Court in the case of **Ram Binay Yadav Vs. The State of Bihar** reported in **2019(2) PLJR 1089**.

In case, the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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