

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16366 of 2020**

Arising Out of PS. Case No.-774 Year-2019 Thana- GARKHA District- Saran

1. RAKESH CHOUDHARY Son of Deo Na. Choudhary @ Deonarayan Choudhary Resident of Village - Mithepur, P.S.- Garkha, District - Saran
2. Sujit Choudhary Son of Late Ashok Choudhary Resident of Village - Mithepur, P.S.- Garkha, District - Saran
3. Pankaj Choudhary Son of Manoj Choudhary Resident of Village - Mithepur, P.S.- Garkha, District - Saran
4. Krishna Choudhary Son of Shivpal Choudhary Resident of Village - Mithepur, P.S.- Garkha, District - Saran
5. Ram Ratna Ram @ Ram Ratan Ram Son of Lal Babu Ram Resident of Village - Mithepur, P.S.- Garkha, District - Saran
6. Krishna Choudhary Son of Hinda Choudhary Resident of Village - Mithepur, P.S.- Garkha, District - Saran
7. Pramod Choudhary Son of Late Nageshwar Choudhary Resident of Village - Mithepur, P.S.- Garkha, District - Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anant Kumar Bhaskar, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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

2 12-06-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking anticipatory bail in connection with Garkha P.S. Case No. 774 of 2019 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioners submits that the alleged recovery of illicit liquor has been made from the



backside of the house of petitioner no. 1 and there is no recovery from conscious possession of the said petitioner and petitioners no. 2 to 6 have been made accused only on the basis of secret information and except that there is no source of identification of the petitioners and further that the petitioners have no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein the recovery of illicit liquor is said to have taken place from the backside of the house premises of petitioner no. 1 and not from conscious possession of the said petitioner as also that name of petitioners no. 2 to 6 have been brought in this case allegedly on secret information but without there being any source of identification saying that these petitioners were found fleeing away in course of raid and further that these petitioners have got no criminal antecedent, there being no other material *prima-facie* to connect these petitioners at this stage, let the petitioners above named in the event of their arrest or surrender within a period of four weeks from today in connection with Garkha P.S. Case No. 774 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand)



each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge – II – cum Special Judge Excise, Saran at Chapra, subject to the conditions 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

