

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8911 of 2020

Arising Out of PS. Case No.-213 Year-2019 Thana- GOVINDPUR District- Nawada

1. PANO CHOUDHARY @ PAMO CHOUDHARY Son of Lakhan Choudhary Resident of Village - Govindpur Dih, Police Station - Govindpur, District - Nawada.
2. Sajan Ram Son of Rambilash Ram Resident of Village - Govindpur Dih, Police Station - Govindpur, District - Nawada.
3. Sanjay Chaudhari Son of Mathuri Choudhary Resident of Village - Govindpur Dih, Police Station - Govindpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 1 since he has been arrested.

Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

The petitioners no. 2 & 3 apprehend their arrest in connection with Govindpur P.S. Case No. 213 of 2019 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 30(d) of the Bihar



Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 20 liters of illicit country made Mahua liquor and implements for manufacturing illicit liquor, from a *Jungle*.

It is alleged that during the course of investigation, the names of the accused persons have transpired.

The learned counsel for the petitioners has submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that since no recovery has been made from the conscious possession of the petitioner or from his house, hence the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioners herein are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and from a bare reading of the FIR, I find that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioners no. 2 & 3 for grant of anticipatory bail is concerned.

Accordingly, the petitioners no. 2 & 3, above named, are directed to be released on anticipatory bail in the event of their arrest / surrender before the court below within a period of



four weeks from today, on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) each with two sureties of the like amount each
to the satisfaction of learned Additional District and Session
Judge-II-cum-Special Judge Excise, Nawada in connection with
Govindpur P.S. Case No. 213 of 2019 subject to the conditions
as stipulated under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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