

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14632 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. MANOJ CHAUDHARY
 2. Ranjeet Kumar Chaudhary
 3. Mantun Chaudhary
- All are sons of Bindeshwary Chaudhary Resident of Village - Bahadur Nagar, P.S. - Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate
For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 03-12-2020 Heard both sides through Video Conferencing.

The petitioners apprehend their arrest in Sahebpur Kamal P.S. Case No.332 of 2019 registered under Sections 120B, 414 and 34 of the Indian Penal Code and under Sections 30(a), 32, 27, 41(1) of Bihar Prohibition and Excise Act.

The informant, a police officer, got secret information that two unknown persons were sitting on a Nexa Baleno car and they were carrying illegal liquor. On such information, the informant and other police officials went towards the place of occurrence in order to make raid and search. Two persons were found on a Baleno. Both were apprehended who disclosed their names as Kailash Kumar and Amit Kumar @ Vikash Kumar. 25



cartoons of Royalstag were recovered from the Baleno. It is further alleged that on their disclosure, they reached near Primary Health Centre. One Grand i10 vehicle, one pick up van bearing No.WB15B-4126, one Piojo Tempoo bearing No.BR34P-1617 and one Mahindra vehicle of B275D2 Model registration No.BR9A-8049 were recovered. The persons inside the vehicle were started fleeing away. On chase, Navendu Kumar and Amresh Kumar were apprehended. The huge quantity of liquor was recovered from the vehicle. During the course of investigation, it transpired that Roshni Devi @ Anupam Kumari is the owner of the vehicle. Petitioners were found travelling in the vehicle as disclosed by the persons apprehended on the spot namely, Bharat Mandal.

The learned counsel for the petitioners submits that petitioners were not apprehended on the spot. The petitioners are not the owner of the vehicle. Roshni Devi @ Anupam Kumari, the owner of the vehicle has already been granted anticipatory bail vide order dated 05.11.2020 passed in Cr. Misc. No.26604 of 2020. The case of the petitioner stands on better footing as that of Roshni Devi.

Learned A.P.P. vehemently opposed the prayer for bail and submitted that a report was called for from the D.T.O.,



Begusarai. D.T.O., Begusarai reported that Roshni Devi, w/o Manoj Singh is the owner of the vehicle. Roshni Devi is said to be the neice of the petitioners. The persons apprehended on the spot disclosed that all the three brothers were travelling in the vehicle and they had brought the consignment of huge quantity of liquor. From the Grand i10 vehicle in which the petitioners are said to have been travelling, 90 litres of liquor was recovered.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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