

THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19165 of 2020

1. Sunil Chaudhary, aged about 50 (Male) S/o Late Rameshwar Chaudhary

2. Babloo Kumar, aged about 25 years (Male) son of Sunil Chaudhary

Both resident of Mohalla-Tarbabu Gali, Chhotaki Delha, P.S. Delha, District Gaya.

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Petitioners

Versus

The State of Bihar

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Opposite party

Appearance

For the Petitioners : Mr. Patanjali Rishi, Advocate.

Mr. Sanjay Kumar Sharma, Advocate

For the State : Dr Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 22.07.2020

Heard learned counsel for the petitioners and learned A.P.P for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Delha P.S. Case No.19 of 2020, registered under section 30(a) of the of Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R, on secret information having been received, a raid was conducted and it is stated that 18 bottles of liquor containing a total of 6.750 litres of IMFL was recovered from the 'Gaushala' of the petitioner no.1.

It is su

ned counsel for the petitioners



that the allegation of recovery is false and concocted. It is submitted that the so called '*Gaushala*' from which the alleged recovery is stated to have been made is on public land where several persons tie their cattle and the same cannot be said to belong to or be under the exclusive control of the petitioners. It is submitted that the petitioners have no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners, the place and quantity of recovery together with the petitioners not having any criminal antecedent, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Delha P.S. Case No.19 of 2020, they will be enlarged on bail on each of them furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise Act), Gaya, subject to the conditions as laid down in section 438(2) of Criminal Procedure Code.

Bibhash

(Partha Sarthy, J)

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