

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25971 of 2020**

Arising Out of PS. Case No.-29 Year-2020 Thana- GAUTAMBUDHNAGAR District- Siwan

1. DIL KUMAR CHAUDHARI S/o Budhan Pasi Resident of Village-Shahganj, P.S.-G.B.Nagar, District-Siwan.
2. Jiut Chaudhari S/o Laxman Chaudhari @ Laxman Pasi Resident of Village-Shahganj, P.S.-G.B.Nagar, District-Siwan.
3. Bigu Chaudhari @ Bigu Kumar S/o Anarjit Resident of Village-Shahganj, P.S.-G.B.Nagar, 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.Ganesh Prasad Singh, APP

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

2 15-10-2020 Learned counsel for the petitioners undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners, in the present case, are seeking pre-arrest bail in connection with G.B. Nagar P.S. Case No.29 of 2020 registered for the offence under Sections 30(a), 34, 36, 38, 41(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that there is no recovery of illicit liquor either from the house of the



petitioners or from their conscious possession in any way. Recovery is from the bank of a river and so far as the name of these petitioners are concerned, they have been made accused on mere suspicion and hearsay on the information but without disclosing the identity of such hearsay information. The petitioners have also got no criminal antecedent.

Learned A.P.P. for the State does not dispute the submission of learned counsel for the petitioners as it appears from the seizure list that the recovery is from the river of the bank.

In the given facts and circumstances of the case where there is no material to connect the petitioners in the present case, let the petitioners above-named in the event of their arrest or surrender within four weeks from today, be released on bail on furnishing of bail bonds of Rs. 25,000/- (Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with G.B. Nagar P.S. Case No.29/2020, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

(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'.

