

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.945 of 2020

Arising Out of PS. Case No.-152 Year-2019 Thana- MADHEPUR District- Madhubani

1. CHANDESHWAR CHAUPAL @ CHANDAI CHAUPAL S/o Late Manik Chaupal R/o village- Sikariya, P.S.- Madhepur, District- Madhubani
2. Bholi Devi W/o Late Laxman Chaupal R/o village- Sikariya, P.S.- Madhepur, District- Madhubani

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Madhepur P.S. Case No. 152 of 2019, registered for the offence punishable under sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act.

As per allegation in the FIR, on secret information being received, raid was conducted. Two persons attempted to escape but were caught by the police personnel and disclosed their names as Chaudhary Chaupal and Bindeshwar Chaupal. It



is further submitted that on search being conducted, from the straw house of the petitioner no. 2, 60.765 litres of IMFL was recovered. On enquiry from the persons caught, Choudhary Choupal disclosed that the illicit liquor belonged to petitioner no. 1.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 happens to be the brother of petitioner no. 2. No recovery as alleged has taken place. Although not accepting, even for the sake of argument, the alleged recovery is said to have taken place from the straw house and not from a place under lock and key of the petitioner no. 2. The petitioner no. 2 happens to be a lady, having no criminal antecedent.

Having heard learned counsel for the parties, in the facts and circumstances of the case as stated above and taking into consideration the fact that petitioner no. 2 is a lady having no criminal antecedent, this Court is inclined to enlarge the petitioner no. 2 on bail. The petitioner no. 2 is directed to surrender in the Court below within a period of six weeks from today and in the event of her arrest or surrender in connection with Madhepur P.S. Case no. 152 of 2019, she will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge-II-cum-Special Judge Excise Act, Madhubani subject to the condition as laid down under section 438(2) of the Cr.P.C.

So far as petitioner no. 1 is concerned, in course of raid, it transpired that illicit liquor belongs to petitioner no 1 together with the fact that he has a criminal antecedent, this Court is not inclined to grant bail to the petitioner no. 1 and, as such, his application for bail is rejected. He is directed to surrender in the Court below within a period of four weeks.

(Partha Sarthy, J)

sushma/-

U		T	
---	--	---	--

