

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23633 of 2020

Arising Out of PS. Case No.-100 Year-2020 Thana- EKMA District- Saran

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1. JITENDRA KUMAR CHAUDHARY @ JITENDRA CHAUDHARY @ SANEE CHAUDHARY Son of Late Anwatee Chaudhary Resident of Village - Parsa Bazar, Chaudhary Mohalla, P.S. Ekma, Distt. Saran.
 2. Arjun Chaudhary Son of Late Nathuni Chaudhary Resident of Village - Parsa Bazar, Chaudhary Mohalla, P.S. Ekma, Distt. Saran.

.. ... Petitioners

Versus

THE STATE OF BIHAR

... ... Opposite Party

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 12-01-2021 Heard learned counsel for the petitioners and Mr. Raj Kishore Singh, learned APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Ekma P.S. Case No. 100 of 2020 registered for the offence punishable under Sections 39(a), 38, 37(b), (C) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the Police on getting secret information raided the house of the petitioners and recovered 72 liters country made liquor from behind the house of the petitioners.

Learned counsel for the petitioners submits that the alleged recovery is not from the house of the petitioners rather it is the place outside the house of the petitioners to which the petitioners have no concern. It is submitted that the petitioners have no criminal



antecedent.

Learned APP has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein the allegation is that of the recovery of illicit liquor from the place adjacent to the house of the petitioners, in course of hearing this Court called upon learned APP for the State to inform as to whether in the case diary anything has come to show that the recovery is from the premises of the petitioner, learned APP submits that the recovery is from the place outside the premises of the accused, in such circumstance, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today in connection with Ekma P.S. Case No. 100 of 2020 be released on bail on furnishing of bail bond of Rs. 25,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge/special Judge, Excise, Saran in connection, 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. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.

Case diary has been returned by learned APP. Let it be taken on record.

(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'.

