

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32835 of 2020

Arising Out of PS Case No.-132 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

1. Subash Chaudhary, aged about 30 years, Male Son of Sheo Narayan Chaudhary.
2. Harendra Chaudhary, aged about 28 years, Male Son of Ram Pravesh Chaudhary.
Both resident of Village-Khanda, PS-Sasaram (M), District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh, Advocate
For the State	:	Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-03-2021

Heard Mr. Rajani Kant Singh, learned counsel for the petitioners and Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Sasaram (M) PS Case No. 132 of 2020 dated 03.05.2020, instituted under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioners is that on secret information when police went to raid the spot where they were said to be indulging in manufacture of liquor, though the culprits ran away but there was recovery of liquor.



4. Learned counsel for the petitioners submitted that the place from which the recovery is shown is not owned by the petitioners and they have no connection to the same. It was further submitted that in the FIR, it has been written that huge amount of liquor was recovered and was destroyed, but still there is a seizure list which raises serious doubt with regard to the authenticity of the whole allegation. Learned counsel submitted that the petitioner no. 2 has no criminal antecedent whereas against petitioner no.1, there are three cases of similar nature. It was submitted that the third co-accused in the case namely Basawan Chaudhary has been granted anticipatory bail by a co-ordinate Bench by order dated 25.02.2021 passed in Cr. Misc. No. 33281 of 2020.

5. Learned APP submitted that the police had specific information with regard to the petitioners manufacturing liquor and when they went to the spot, the accused had fled away but there was recovery of liquor. It was submitted that the plea that there was no recovery from the place belonging to the petitioners will not be of much help to them as generally such business is not carried on by persons on their own land. It was further submitted that the seizure list discloses that liquor and other articles were recovered and the reference in the FIR is easily explainable as a slip of the pen. It was further submitted that the petitioner no. 1



carries criminal antecedent as there are three cases of similar nature which shows that he is a habitual offender. It was submitted that there is no reason as to why the police would falsely implicate the petitioners and also as to how they would know the correct name and details of the persons, unless they had specific information with regard to the identity of the persons indulging in such illegal trade i.e., the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

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