

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3876 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- BAIRIYA District- West Champaran

1. DHARMENDRA CHAUDHARY Son of SUKUL CHAUDHARY Resident of Village - Patarakha, P.s.- Manuwapul, Distt.- West Champaran.
2. Satyendra Chaudhary Son of Shukul Chaudhary Resident of Village - Patarakha, P.s.- Manuwapul, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kishore Thakur, Adv.
	:	Mr. Brajesh Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 30-07-2021 Heard the learned counsel for the petitioners and

the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bairiya P.S. Case No. 66 of 2020 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It has been alleged in the First Information Report that two persons on seeing the police party threw a bag containing 23.300 litres of liquor. It was told to the police party by the villagers that the persons who fled away after throwing the packet containing liquor were the petitioners.



Learned counsel for the petitioners has submitted that without disclosing the names of the persons who informed the police about the petitioners in this case, the petitioners are sought to be prosecuted. Apart from such vague statement by unknown persons, there is nothing to connect the petitioner with the offence.

However, regard being had to the fact that the petitioner no. 1 was earlier made accused in a case of similar nature, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail on behalf of petitioner no. 1/Dharmendra Chaudhary is rejected.

However, if the petitioner no. 1 surrenders before the Court below and seeks bail, his petition shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained

So far as the petitioner no. 2 is concerned, there is no material against him to justify his prosecution in the instant case.

Regard being had to the case of petitioner no.



2/Satyendra Chaudhary who does not have criminal antecedent, he is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 66 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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