

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6121 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- BARHARA District- Bhojpur

1. Krishna Chaudhary Son Of Late Butan Chaudhary Resident Of Village - Babura (Pasi Tola), P.S.- Barahra, Dist. - Bhojpur.
2. Durga Chaudhary Son Of Late Butan Chaudhary Resident Of Village - Babura (Pasi Tola), P.S.- Barahra, Dist. - Bhojpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Surendra Kumar, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Excise Case No. 1271 of 2020 arising out of Barhara P.S. Case No. 414 of 2020 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. The petitioners have got no criminal antecedent.

As per the first information report, the police party raided the house in the village with sniffer dog and seized liquor from 3 places. From Babura Pasi Tola 30 liters mahua liquor and some mahua were recovered from the house of these petitioners.

Learned counsel submits that the petitioners has been



made accused only on the basis of so-called identification of the villagers but the name of the villagers has not been disclosed.

On the other hand, learned APP for the State submits that from the first information report itself it is crystal clear that the local chowkidar was present with the raiding party and the sniffer dog and he is one of the seizure list witnesses. It is submitted that there being *prima-facie* material to connect the petitioners with the said mahua liquor, the Bar as contained under Section 76(2) of the Bihar and Prohibition Act, 2016 would come into play.

Having regard to the materials placed before this Court, the specific allegations that the recovery of mahua liquor were made from the house of these petitioners, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

The prayer for anticipatory bail of the petitioners is, thus, refused.

In case the petitioners surrender and pray for regular bail within a period of four weeks from today before the learned court below, their prayer for regular bail shall be considered on its own merit without being prejudiced by the present order.

The application stands disposed of accordingly.

(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'.

