

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8420 of 2021

Arising Out of PS. Case No.-236 Year-2020 Thana- BAKHARI District- Begusarai

1. ASHOK CHAUDHARY Son of Devi Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.
2. SHRAVAN CHAUDHARY @ LAVAN CHAUDHARY Son of Devi Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.
3. SEWAK CHAUDHARY Son of Ashok Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.
4. VIJAY CHAUDHARY Son of Balam Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.
5. SANJEEV CHAUDHARY Son of Balam Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.
6. MITHUN CHAUDHARY Son of Shravan Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.
7. SUNIL CHAUDHARY Son of Rameshwar Chaudhary Resident of Mohalla - Station Road, Bakhari, Ward No. 17, P.S. - Bakhari, District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Md Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-12-2021 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 Bakhari P.S. Case No. 236 of

2020 (G.R. No. 546/2020) instituted for the offence under



Section 30(a) of the Bihar Excise Prohibition Act.

It appears from the prosecution report that 5 litres of liquor was recovered from the house of the petitioner no. 1 whereas 5 litres each was recovered from the houses of Rameshwar and Jaijai Ram. Rameshwar and Jaijai Ram are not the petitioners before this Court.

It has been urged on behalf of the petitioners that with respect to recovery of 5 litres of liquor from the house of petitioner no. 1, his entire family members have been made accused in this case with the allegation of selling liquor stealthily. The learned counsel for the petitioners has submitted that all of them have clean antecedents and the accusation is nothing but wild imagination of local police 34.

However, since 5 litres of liquor has been recovered from the house of the petitioner no. 1, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner no. 1/Ashok Chaudhary is rejected.

Should he surrender before the Court below and



seek bail, his application shall be considered on its own merits without being prejudiced by the fact that the present petition for grant of anticipatory bail has not been entertained.

So far as petitioner nos. 2 to 7 are concerned, regard being had to the fact that they have clean antecedents and nothing has been recovered from their physical or constructive possession and they being family members of the petitioner no. 1 whose anticipatory bail has been rejected which is the only basis for prosecuting them in this case, the petitioner nos. 2 to 7 are directed to be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -II-cum-Special Judge, Excise Act, Begusarai, in connection with Bakhari P.S. Case No. 236 of 2020 (G.R. No. 546/2020), subject to the condition laid



down under Section 438 (2) of the Code of Criminal
Procedure

(Ashutosh Kumar, J)

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