

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9841 of 2021**

Arising Out of PS. Case No.-109 Year-2020 Thana- MAHKAR District- Gaya

1. RAJ KUMAR CHOUDHARY Son of Doman Choudhary
2. Doman Choudhary Son of Karu Choudhary
Both are Resident of Village- Nadra, P.S.- Mahakar, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

2 16-11-2021 Let the defect (s) be removed within two weeks of
the complete start of the physical Court.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 30(a)(d) of
Bihar Prohibition and Excise Act, 2018.

Recovery of liquor is alleged from the house of the
petitioners who are father and son.

Submission is that there is no independent witness of
search and seizure. Copy of seizure list was not supplied to the
family members. Hence, entire exercise appears to be arbitrary.
Petitioners have got no criminal antecedent.



Since prima facie material is there against the petitioners disclosing an offence under Bihar Prohibition and Excise Act, the statutory bar of anticipatory bail is applicable. Hence, I am not inclined to enlarge the petitioners on anticipatory bail in connection with Mahakar P.S.Case No.109 of 2020 pending in the court of learned A.D.J.-2nd-cum-Special Judge, Excise, Gaya. Prayer is refused.

However, in the event of surrender of the petitioners, their prayer for regular bail shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

Nitesh/-

U		T	
---	--	---	--

