

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8348 of 2022

Arising Out of PS. Case No.-306 Year-2021 Thana- RAJAOLI District- Nawada

1. BHUKHAR CHAUDHARY @ YOGENDRA CHAUDHARY SON OF RAMDHANI CHAUDHARY R/O VILLAGE- SIRODABAR, P.S.- RAJOULI, DISTRICT- NAWADA
2. PUNA CHAUDHARY SON OF SURESH CHAUDHARY R/O VILLAGE- BALIA, P.S.- RAJOULI, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code read with Sections 30(a)(d) and 41 of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and allegation is of recovery of 200 liters liquor from Jamunadaha forest and 80 kg mahua and 4000 liters jawa mahua which were destroyed at the spot.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, it is next submitted that even the alleged recovery is from a place which is accessible to public at large and definitely does not belong to the petitioners and the petitioners came to be implicated in the confessional statement of Kunti Devi in police custody which *per se* does not have any evidentiary value and also at the instance of local spy which is the easiest way to implicate an innocent person when admittedly petitioners are persons with clean antecedent.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rajouli P.S. Case No. 306 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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