

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20631 of 2021

Arising Out of PS. Case No.-419 Year-2020 Thana- HARSIDHI District- East Champaran

1. Mahendra Choudhary Son of Kuish Chaudhary Resident of Village - Khodipakad, P.S.- Harsidhi, Distt.- East Champaran.
2. Surendra Chaudhary Son of Kuish Chaudhary Resident of Village - Khodipakad, P.S.- Harsidhi, Distt.- East Champaran.
3. Rambabu Chaudhary Son of Vishwanath Chaudhari Resident of Village - Khodipakad, P.S.- Harsidhi, Distt.- East Champaran.
4. Vishwanath Chaudhari Son of Bhola Chaudhary Resident of Village - Khodipakad, P.S.- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-01-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Learned counsel for the petitioners is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under



Sections 411, 414/34 of the Indian Penal Code and Sections 30(a), 36, 41 of the Bihar Prohibition & Excise Act.

It is submitted by learned counsel for the petitioners that petitioner Nos. 1 and 2 namely Mahendra Chaudhary and Surendra Chaudhary have been arrested. Hence, he seeks permission to withdraw the petition with regard to petitioner Nos. 1 and 2.

Permission is accorded.

Accordingly, the petition with regard to petitioner Nos. 1 and 2 is dismissed as withdrawn.

There is recovery of 5 litres of country made liquor each and equipments for manufacturing the liquor, from the houses of co-accused Yogendra Chaudhary and Shivnath Chaudhary.

It is submitted by learned counsel for the petitioner Nos. 3 and 4 that they were not apprehended from the spot. Nothing has been recovered from their conscious possession. They have no concern with the



seized contraband. A statement has been made in para 3 of the petition that petitioner Nos. 3 and 4 have no criminal antecedents.

In the facts and circumstance of the case, let the petitioner Nos. 3 and 4, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 419 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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