

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13234 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- RAJPUR District- Buxar

1. KANHAIYA CHAUDHARY @ KANHAIYA LAL CHAUHAN @ KANHAIYA CHAUHAN Son of Late Gorakh Chaudhary Resident of Village- Maharajganj Tola Hakarpur, Police Station- Rajpur in the district- of Buxar.
2. Chhotu Chaudhary @ Ranjit Chaudhary @ Ranjit Kumar Singh Son of Kanhaiya Chaudhary @ Kanhaiya Lal Chauhan @ Kanhaiya Chauhan Resident of Village- Maharajganj Tola Hakarpur, Police Station- Rajpur in the district of Buxar. Resident of Village- Mahrajganj Tola Hakarpur, Police Station- Rajpur in the district of Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 15-07-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and the cases have been filed against the petitioners by their own relatives on account of land dispute.



Allegation is of recovery of 41.220 litres of liquor from a white colour plastic sack from the house of petitioner no.1.

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 further submitted that the present case came to be instituted as petitioner no.1 had earlier filed Complaint Case No. 590(c) of 2021 in the court of learned Chief Judicial Magistrate, Buxar against the Rajpur Police officials and the informant in which cognizance has been taken, it is thus submitted that since petitioner no.1 had instituted the aforesaid complaint case as such informant falsely implicated the petitioners in the case. It is also submitted that from perusal of the seizure list it would manifest that the witnesses are local *chowkidar*, learned counsel further submits that had a raid been conducted in the house of the petitioner then definitely the petitioners would have been arrested but the fact that petitioners were not arrested that amply demonstrates that in order to falsely implicate the petitioners, a false case has been instituted in order to coerce the petitioner no.1 into submission so that he does not pursue the aforesaid complaint case.



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. 5,000/- (Rupees Five Thousand) 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 Rajpur P.S. Case No. 20 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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