

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17961 of 2022

Arising Out of PS. Case No.-379 Year-2021 Thana- KHIJARSARAI District- Gaya

1. BHOLA CHAUDHARY Son of Late Bullu Chaudhary Resident of Village- Julah Bigha, Police Station- Khizersarai, District- Gaya.
2. Sharda Devi W/o Shanker Chaudhary Resident of Village- Julah Bigha, Police Station- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No.2, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2022 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 the petitioners are persons with clean antecedent, petitioner no.2 is a women and allegation is of recovery of 28 litres of liquor from the house of four accused persons (five litres form the house of petitioner no.1) (eight litres form the house of petitioner no.2).

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and from perusal



of the seizure list it would manifest that the same was prepared at 12:45 pm and on the top of seizure list, the F.I.R. number is also mentioned whereas the F.I.R. was instituted at 4:30 pm thus it is submitted that it creates doubt with regard to the veracity of the search and seizure that as to how the F.I.R. number finds mention in the seizure list when the F.I.R. was instituted later than preparation of seizure list.

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 and the fact that the petitioners are persons with clean antecedent, 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. 2,000/- (Rupees Two 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 Khizersarai P.S. Case No. 379 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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