

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22076 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- KHAGARIA District- Khagaria

1. GAUTAM KUMAR CHOUDHARY @ GAUTAM RAJ SON OF LATE KALANAND CHAUDHARI R/O VILLAGE- BALUAHI, P.S.- AND DISTRICT- KHAGARIA
2. LALU CHOUDHARY @ PRINCE KUMAR SON OF AMRENDRA CHOUDHARY R/O VILLAGE- JAI PRAKASH NAGAR, P.S.- AND DISTRICT- KHAGARIA
3. ANTU CHOUDHARY @ RANTOO KUMAR SON OF SITARAM CHOUDHARY R/O VILLAGE- JAI PRAKASH NAGAR, P.S.- AND DISTRICT- KHAGARIA

... .. 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.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2 as he has been arrested during pendency of the anticipatory bail application.

Permission is accorded.



The petitioner nos. 1 and 3 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 and allegation is of recovery of 688.7 liters of codeine based cough syrup.

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 the premises from where the alleged recovery was made was given on rent to Bittu Kumar and Kanhaiya Kumar while the petitioners are residing in their village as stated in paragraph '7' of the anticipatory bail application.

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 petitioner nos. 1 and 3, 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) 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 Khagaria P.S. Case No. 41 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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