

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24609 of 2022

Arising Out of PS. Case No.-700 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

1. PHULENA CHOUDHARY S/o Late Bira Choudhary Resident of Village- Karinga Mashari, P.S.- Chapra Muffasil, District- Saran at Chapra.
2. Binod Choudhary @ Vidhayak Choudhary S/o Late- Kishum Choudhary Resident of Village- Karinga Mashari, P.S.- Chapra Muffasil, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rajani Kumari

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2022 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(A) of the Bihar Prohibition and Excise Act, 2016.

Altogether 150 liters of illicit liquor is said to have been recovered from an orchard. The allegation against the petitioners is that the alleged place of recovery belongs to the petitioners.

Learned counsel for the petitioners submits that petitioners



are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case due to ulterior motive. Their name transpired in the case because of the statement of villagers. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. The said recovery has been made from a mango orchard which does not belong to the petitioners. Petitioner no.1 has one criminal antecedent of similar nature and petitioner no.2 has no criminal antecedent, as also mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) **each** in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, since there is no recovery from the conscious possession of the petitioners, let the petitioners named above, in the event of their arrest/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.25,000/- (Rupees Twenty Five 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 Chapra Muffasil P.S. Case No.700 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000/- (Rupees Twenty Thousand) **each** in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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