

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15068 of 2022**

Arising Out of PS. Case No.-612 Year-2021 Thana- CHAPRA TOWN District- Saran

PRABHU NATH CHAUDHARY @ PRABHU CHAUDHARY S/o Late  
Narayan Chaudhary R/o village- Bichla Telpa, P.S.- Chapra (Town), District-  
Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 25842 of 2022**

Arising Out of PS. Case No.-612 Year-2021 Thana- CHAPRA TOWN District- Saran

RAHUL KUMAR Son of Late Shyam Babu Choudhary Resident of Mohalla -  
Bichla Telpa, P.S.- Chapra Town, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 15068 of 2022)

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

(In CRIMINAL MISCELLANEOUS No. 25842 of 2022)

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      30-09-2022      Heard the parties.

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  
stipulated 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), 41(i)(ii), 37(b) of the Bihar Liquor Prohibition and Excise Act, 2018.

Altogether 100 litres of country made liquor is said to have been recovered from the spot. The allegation against the petitioners is that after seeing police, they fled away from the spot.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case on the basis of secret information. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Petitioners have one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) each in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.



Considering the aforesaid facts and circumstances, 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 Town P.S. Case No.612 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That 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 the petitioner. He will also undertake to inform the Court if there is any change in the address of the 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.20,000.00/- (Rupees Twenty Thousand) each in the Bihar  
State Legal Services Authority.

**(Anjani Kumar Sharan, J)**

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