

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25621 of 2022

Arising Out of PS. Case No.-305 Year-2021 Thana- MADHUBAN District- East Champaran

1. MANOJ CHAUDHARY S/o Shri Bhagwan Chaudhary Resident of Village- Saraiya, P.S.- Madhuban, District- East Champaran.
2. DHARMENDRA CHAUDHARY S/o Avadh Chaudhary Resident of Village- Saraiya, P.S.- Madhuban, District- East Champaran.
3. SONELAL CHAUDHARY S/o Bijuli Chaudhary Resident of Village- Saraiya, P.S.- Madhuban, District- East Champaran.
4. JAI KUMAR CHAUDHARY Son of Jamun Chaudhary Resident of Village- Saraiya, P.S.- Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2022 Heard the parties.

Learned counsel for the petitioner 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 273 of the IPC and u/s 30(A), 32, 41(i) of the Bihar Prohibition and Excise Amended Act, 2016.

Altogether 120 liters of adulterated toddy is said to have been



recovered behind a petrol pump in village. The allegation against the petitioners is that after seeing the 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. They have been falsely implicated in this case due to ulterior motive. Their name transpired in the case because of suspicion. 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. Petitioners are neither owners nor tenants of the land and hut where the toddy was being sold. Petitioners have one criminal antecedent, as also mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.5,000.00/- (Rupees Five 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, 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 Madhuban P.S. Case No.305 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 petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000/- (Rupees Five Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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