

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29663 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- DARAUNDA District- Siwan

1. HARENDRA CHOUDHARY SON OF LATE BABU LAL CHOUDHARY
R/O- VILLAGE- ABHUI, P.S.- DARAUNDA, DIST.- SIWAN
2. PREM CHOUDHARY @ PREM CHAND CHOUDHARY SON OF LATE
RAM CHANDRA CHOUDHARY R/O- VILLAGE- ABHUI, P.S.-
DARAUNDA, DIST.- SIWAN
3. BIRENDRA CHOUDHARY SON OF LATE MUKHLAL CHOUDHARY
R/O- VILLAGE- ABHUI, P.S.- DARAUNDA, DIST.- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-08-2022 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 and allegation is of
recovery of 49 liter of liquor from a hut in village Abhui.

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 further



submitted that even the alleged recovery was made from a place which does not belong to the petitioner and the police in a mechanical manner is implicating the innocent persons on the basis of the information being supplied by *chowkidar* and local people. Learned counsel further submits that the F.I.R. also does not disclose the name of the local people who informed about the petitioner which creates further suspicion.

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 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) 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 Daraunda P.S. Case No. 97 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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