

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43528 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- BARH District- Patna

1. Mahendra Chaudhary S/o Late Rameshwar Chaudhry R/o Village-Sarkati, P.S-Barh, District-Patna.
2. Lalmuni Chaudhary S/o Mahendra Chaudhary R/o Village-Sarkati, P.S-Barh, District-Patna.
3. Nitish Chaudhary @ Tutu Chaudhary S/o Mahendra Chaudhary R/o Village-Sarkati, P.S-Barh, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Mishra
For the Opposite Party/s : Mr. Dilip Kumar No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

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

The petitioners apprehend their arrest in Barh P.S. Case No.59 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. There is no recovery from the conscious possession of the petitioners rather the police has recovered 95 pieces *tin*, 15 litres of *Gur*, 10 litres of country made liquor and an empty gas cylinder from the place of occurrence. The *Chowkidar* has disclosed the name of the petitioner. It is further submitted that similarly situated co-accused persons have already been enlarged on bail vide Cr. Misc. No.27026 of 2021.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner and submitted that petitioner no.1 has three criminal antecedents and petitioners no.2 and 3 have got one criminal antecedent.

Petitioner is ready to deposit a sum of Rs.15,000/- (rupees fifteen thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

In the facts and circumstances of the case, let 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 enlarged on 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 learned Special Judge, Excise, Patna in connection with Barh P.S. Case No.59 of 2020, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(3) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(4) The bail bonds of the petitioners shall be accepted by learned court below on showing receipt of deposit of Rs.15,000/- (rupees fifteen thousand) each in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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