

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35176 of 2022

Arising Out of PS. Case No.-711 Year-2017 Thana- BARACHATTI District- Gaya

1. Santosh Choudhary @ Santosh Kumar Son of Kamlesh Choudhary Resident of Village - Gajragarh, P.s.- Barachatty, Dist.- Gaya.
2. Munni Devi W/o Kamlesh Choudhary Resident of Village - Gajragarh, P.s.- Barachatty, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Opposite Party/s : Mr. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending his arrest in connection with Barachatty P.S. Case no. 711 of 2017 instituted for the offence under Sections 30(a), 38, and 47 of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 37 litres Mahua liquor from the house of accused Tijiya devi who has been arrested.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioner no.1 is grandson and petitioner no.2 is



daughter-in-law of Tijiya devi who was arrested. For a similar offence, implication of several family members is not just and proper. They have got no criminal antecedent. Petitioners have no concern with the alleged recovery or with the place of occurrence. Neither the petitioners were arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Barachatty P.S. Case no. 711 of 2017, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No.2, Gaya, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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