

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40276 of 2022

Arising Out of PS. Case No.-255 Year-2022 Thana- BARUN District- Aurangabad

1. GURU CHAUDHARY Son of Late Brikash Chaudhary Resident of Village - Mahanganj, Barun, P.S.- Barun, District - Aurangabad (Bihar).
2. Chandan Kumar Son of Ganesh Chaudhary Resident of Village - Nageshwarpur, Barun P.S.- Barun, District - Aurangabad (Bihar).
3. Ganesh Chaudhary @ Ajit Kumar Son of Fakirchand Chaudhary Resident of Village - Mohanganj, P.S.- Barun, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Advocate
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioners submits that petitioners
are persons with clean antecedent.

Allegation is of recovery of 4000 Kg. of fermented Mahua
which was destroyed at the spot. Drum and yellow colour gallon of
15 litres capacity was also recovered from the Diyara of Sone River.

Learned counsel for the petitioners submits that petitioners



were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that petitioners came to be implicated based on the confessional statement of co-accused Mangar Chaudhary in police custody which does not have any evidentiary value in the eye of law and even the alleged recovery is from a place which is accessible to public at large.

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.10,000/- (Rupees Ten 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 Barun P.S. Case No. 255 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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