

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44005 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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1. ANIL CHAUDHARY Son of Ishwar chaudhary Son of Vishwanath Pasi,
Resident of Village - Bagora, P.S.- Duraundha, District - Siwan.
 2. VYAS PASI Son of Vishwanath Pasi Resident of Village - Bagora, P.S.-
Duraundha, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 30(a) and
30(c) 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 35 liters of liquor and 250 kg java jaggery
(destroyed at the spot) from the open land possessed by the
petitioners and 25 liters liquor and 150 kg java jaggery
(destroyed at the spot) from the bathroom of Vyas Pasi.

Learned counsel for the petitioners submits that the



petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, the alleged recovery is from an open land which was in name of the petitioners, it is next submitted that mere recovery of liquor from a land belonging to the petitioners does not in any manner convey that it were the petitioners who had kept the liquor on their land, further it is submitted that the land was an open space as such it could have been misused by any villagers or persons who were indulging in liquor business. Learned counsel submits that petitioners are persons with clean antecedent and no prudent man would use his own property for concealing liquor and that too in such small quantity that in itself demonstrates that someone inimical to the petitioners had tried to falsely implicate them.

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 Excise P.S. Case No. 67 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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