

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65633 of 2021**

Arising Out of PS. Case No.-31 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Anil Chaudhary @ Anil Kumar Chaudhary Son of Late Babu Lal Choudhary Resident of Shiv Shakti Nagar Bazar Samiti, P.S. - Bahadurpur, District - Patna.
 2. Md. Nabab Son of Md. Shahabuddin Resident of Village/Mohalla - Sahganj, P.S. - Sultanganj, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-02-2022 Heard learned counsel for the petitioners and Shri Braj Kishore Prasad, learned A.P.P. for the State through virtual court proceedings.

The petitioners seek bail in connection with Pirbahore P.R. Case No. 31 of 2021 instituted for the offences under Section 30(a) of the Excise Act.

Learned counsel for the petitioners submits that the petitioners are in custody since 08.07.2021, prosecution report has been submitted in the case, petitioner no. 2 is a person with clean antecedent and petitioner no. 1 has antecedent of one case.

Learned counsel for the petitioners submits that allegation is of recovery of 130 litres of liquor from the place of



occurrence which is alleged to be belonging to the petitioners.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, no liquor was recovered from the shop of the petitioners rather *neera* was recovered which is not prohibited. It is further submitted that the fact that no liquor was produced in the learned court below that in itself demonstrates that liquor was not recovered from the shop of the petitioners.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the fact that the petitioners are in custody since 08.07.2021 and prosecution report has been submitted in the case, let the petitioners above named be released on bail on furnishing bail bond of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Pirbahore P.R. Case No. 31 of 2021.

(Satyavrat Verma, J)

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