

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58432 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- EKMA District- Saran

1. Rahul Chaudhari, Son Of Late Prabhu Chaudhari R/O Village - Parsa Garh, Chaudhari Tola, P.S.- Ekma, District - Saran.
2. Vijay Chaudhari, Son Of Late Lakat Chaudhari R/O Village - Parsa Garh, Chaudhari Tola, P.S.- Ekma, District - Saran.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shatrughan Pandey

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a), 41(1)(2) of the Excise Act, 2018.

The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the allegation is of recovery of 80 litres of liquor from a plastic sack kept behind the house of petitioner no.1 and 80 litres of liquor from a plastic kept behind the house of petitioner no.2.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession.



It is also submitted that alleged place of recovery does not belong to the petitioners, but they came to be implicated at the behest of neighbour, but the name of the neighbour is not disclosed in the F.I.R. It is also submitted that the liquor were recovered from an open place which was accessible to public at large.

Learned A.P.P. opposes the bail application.

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, are directed to be released on bail on their furnishing bail-bonds in the sum 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 in connection with Ekma P. S. Case No.328 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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