

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56497 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- BIHPUR District- Bhagalpur

VIKASH CHOUDHARY Son of Sudhir Choudhary R/V- Amarpur, P.S-
Bihpur, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57987 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- BIHPUR District- Bhagalpur

VIKASH CHOUDHARY Son of Mahindra Choudhary R/V- Amarpur, P.S-
Bihpur, Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56497 of 2022)

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

(In CRIMINAL MISCELLANEOUS No. 57987 of 2022)

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

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

121.620 litres of foreign liquor has been recovered



from an open field. The petitioners and other co-accused persons are said to have fled away from the place of occurrence after seeing the police.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is further submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that there is no recovery from the conscious possession of the petitioners.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners by submitting that the petitioners are members of the syndicate involved in selling and purchasing the illicit liquor.

Petitioners are agree to deposit a sum of Rs.30,000/- (rupees thirty thousand) each in the Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Taking into consideration the fact that there is no recovery from the conscious possession of the petitioners, let 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 enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned IXth Additional District & Sessions Judge-cum-Special Excise Judge, Bhagalpur in connection with Bihpur P.S. Case No.330 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or their wives.

(ii) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

The bail bonds of the petitioners shall be accepted by the learned court below on showing receipt of deposit of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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