

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.126 of 2022

Arising Out of PS. Case No.-538 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. GANESH CHAUDHARY Son of Late Fudena Chaudhary Resident of Village - Lakri Dhai Bandh, P.s.- Town (Sikandarpur O.P.), Distt.- Muzaffarpur.
 2. Prem Chaudhary Son of Late Fudena Chaudhary Resident of Village - Lakri Dhai Bandh, P.s.- Town (Sikandarpur O.P.), Distt.- Muzaffarpur.
 3. Bajrangi Chaudhary @ Bajrang Kumar Son of Late Fudena Chaudhary Resident of Village - Lakri Dhai Bandh, P.s.- Town (Sikandarpur O.P.), Distt.- Muzaffarpur.
 4. Golu Chaudhary @ Golu Kumar Son of Late Fudena Chaudhary Resident of Village - Lakri Dhai Bandh, P.s.- Town (Sikandarpur O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset, submits that petitioner no. 2 has been arrested during pendency of the anticipatory bail application and thus seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2.

Permission is accorded.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code read with Sections 30(a), 30(c) and 34 of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 19.035 litres of liquor from three scooties and two motorcycles.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot and as such nothing was recovered from their conscious possession and the petitioner no.1 has been implicated in the present case as he is the owner of one of the scooty. It is next submitted that the petitioner had given the scooty to his friend for some work and it appears that he misused the same. Learned counsel further submits that the petitioner nos. 3 and 4 are neither the owner nor the driver of any of the vehicles from which the alleged recovery has been made as such it can be safely construed that nothing was recovered from their conscious possession. It is next submitted that as far as allegation of recovery of 18 litres country-made liquor is concerned, the same is from the house of co-accused Mukesh and Babloo.

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 petitioner nos. 1, 3 and 4, 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 Muzaffarpur Town (Sikandarpur O.P.) P.S. Case No. 538 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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