

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28870 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- GARKHA District- Saran

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1. KRISHNA CHAUDHARY SON OF HINDA CHAUDHARY @ HENDA CHAUDHARY R/O-MITHEPUR, P.S.-GARKHA, DISTT.-SARAN
 2. LAXMAN CHAUDHARY SON OF HINDA CHAUDHARY @ HENDA CHAUDHARY R/O-MITHEPUR, P.S.-GARKHA, DISTT.-SARAN
 3. SIKANDAR CHAUDHARY @ SIKENDAR KUMAR SON OF SHIVJI CHAUDHARY R/O-MITHEPUR, P.S.-GARKHA, DISTT.-SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-05-2023 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case and petitioner nos. 2 and 3 are persons with clean antecedent.

Allegation is of recovery of 120 litres of liquor from the Palani behind the house of petitioner no. 1, 30 litres of liquor from the Palani behind the house of Rakesh Chaudhary and 30 litres of liquor from the Palani behind the house of petitioner no. 3.

Learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession. It is further submitted that even the alleged recovery is from a place which does not belong to the petitioners and is an open place accessible to public at large and they came to be implicated by the Chawkidar with whom they are on an inimical term.

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.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/successor court in connection with Garkha P.S. Case No. 44 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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