

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37051 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- TAJPUR District- Samastipur

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1. CHANDEWHWAR RAI S/o Basudev Rai Resident of village-Bikrampur,
Police Station-Tajpur, District-Samastipur
 2. RAJ KESHWAR RAI S/o Basudev Rai Resident of village-Bikrampur,
Police Station-Tajpur, District-Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-07-2023 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 272,
273 and 34 of the Indian Penal Code and Section 30(a)(c) of
the Bihar Excise Act.

3. The defect no. 1 as pointed out by the Office is
ignored, the learned counsel submits that defect no. 2 shall
be removed within the course of the day.

4. Learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and
allegation is of recovery of 5 liters of liquor from the house



of petitioner no. 1.

5. Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession, it is next submitted that they came to be implicated based on secret information which is the easiest way to implicate someone, it is further submitted that even alleged recovery is from a house which is a joint family property, as such, it cannot be alleged with certainty that it were the petitioners who had kept the liquor in the house or the liquor kept in the house was within their knowledge, when admittedly petitioners are persons with clean antecedent.

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

7. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) each with two sureties of the like amount each to the satisfaction of the learned



trial court where the case is pending/successor court in connection with Tajpur (Halai O.P.) P.S. Case No. 09 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

GauravSinha/-

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