

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32236 of 2023

Arising Out of PS. Case No.-496 Year-2022 Thana- TAJPUR District- Samastipur

1. Kuddus Choudhary @ Kumod Choudhary @ Kuddus Son Of Chandeshwar Choudhary Resident Of Village- Laskara, P.S.-Tajpur, District-Samastipur
2. Balram Choudhary Son Of Baijnath Choudhary Resident Of Village- Laskara, P.S.- Tajpur, District-Samastipur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Ms.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-05-2023 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 Section
30(a) of the Excise Act, 2018.

The learned counsel for the petitioners submits that
the petitioner no.1 has antecedent of one case and petitioner
no.2 is a person with clean antecedent and the allegation is of
recovery of 03 litre of liquor from an orchard.

The 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 petitioners are not the owners of the orchard and they came to be implicated based on secret information, which is the easiest way to implicate someone, when admittedly petitioner no.2 is a person with clean antecedent.

The learned counsel for the petitioners next submits that learned trial Court without applying its mind rejected the anticipatory bail application in a mechanical manner as would be evident from bare perusal of the order itself as the same does not even remotely record the facts or submission of the case rather it appears that the learned trial Court without correctly appreciating Section 76(2) of the Excise Act has passed the orders.

The Court concurs with the submission made by the learned counsel for the petitioner.

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, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court



No.02, Samastipur in connection with Tajpur P. S. Case No.496 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

Let this order be communicated to the learned District Judge, Samastipur for perusal of the concerned case.

(Satyavrat Verma, J)

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