

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44273 of 2023

Arising Out of PS. Case No.-227 Year-2022 Thana- SISWAN District- Siwan

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1. RAJESH CHAUDHARY S/O JAYSHRI CHAUDHARY R/O Village-Chainpur Pashi Tola, P.S- Siswan, Distt.- Siwan.
 2. ANIL CHAUDHARY S/O JAYSHRI CHAUDHARY R/O Village-Chainpur Pashi Tola, P.S- Siswan, Distt.- Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with
Siswan Chainpur (OP) P.S. Case No.227 of 2022 registered for
the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

3. The accused/petitioners are named in the
F.I.R., where, petitioner No.1 is in custody since 18.05.2023 and
petitioner No.2 is in custody since 25.05.2023.

4. The allegation against both petitioners is to
be engaged in illegal trade of illicit liquor, where, there is
recovery of 100 litres of illicit country made liquor, which is



prohibited in the State under Bihar Excise Prohibition Act, 2018.

5. Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit country made liquor was made near to front gate of house of co-accused, namely, Jayshri Chaudhary, where, implication of these petitioners is only for the reason as both petitioners are son of said co-accused, namely Jayshri Chaudhary. It is submitted that compliance of Section 100 (4) of the Cr.P.C. not appears to be followed in this case regarding search of premises. While concluding the argument, it is submitted that both petitioners are men of clean antecedent.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of illicit country made liquor not appears to be made from conscious physical possession of these petitioners, who are men of clean antecedent, where, petitioners are in custody since 18.05.2023 and 25.05.2023 respectively, let both petitioners, above named, are directed to be released on bail in connection with Siswan Chainpur (OP) P.S. Case No.227 of 2022, on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court-II, Siwan/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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