

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46030 of 2023**

Arising Out of PS. Case No.-252 Year-2023 Thana- BARUN District- Aurangabad

1. MANJU DEVI W/O LATE LAXMAN CHAUDHARY @ LATE LAKSHMAN CHOUDHARY R/O Village- Keshwapur, P.S- Barun, Distt.- Aurangabad.
2. Loknath Choudhary @ Aaku Choudhary S/O Late Laxman Choudhary @ Late Lakshman Chaudhary R/O Village- Keshwapur, P.S- Barun, Distt.- Aurangabad.
3. Doma Choudhary S/O Ramdew Choudhary R/O Village- Keshwapur, P.S- Barun, Distt.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

- 2 04-08-2023
1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application, for grant of anticipatory bail, arises out of Barun Police Station Case No. 252 of 2023, dated 09.04.2023, disclosing offence punishable under Sections 30(a)/30 (c) of the Bihar Prohibition and Excise Act, 2016.
 3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners are indulged in the manufacturing of illicit country-made liquor, proceeded towards the place of occurrence and



upon seeking the police party, three persons, including one female, succeeded in fleeing away. Upon search, the police recovered 10000 litres of Jawa Mahua and 30 litres of illicit country-made liquor, kept in two gallons. The name of the petitioners were disclosed by the local Chowkidar.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have been made accused in this case on the basis of disclosure of their names by the local Chowkidar and no illicit county-made liquor has been recovered from the possession of the petitioners; rather the illicit country-made liquor has been recovered from the diara of River Sone. He further submits that the petitioners have got no criminal antecedent.
5. Regards being had to the submission advanced on behalf of the parties and taking into consideration the fact that illicit country-made liquor has not been recovered from the possession and/or premises belonging to the petitioners; rather the same was recovered from the diara of River Sone and the petitioners have got no criminal



antecedent, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. I, Aurangabad, in connection with Barun Police Station Case No. 252 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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