

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47194 of 2023

Arising Out of PS. Case No.-194 Year-2023 Thana- DARAUNDA District- Siwan

1. Surendra Choudhary Son of Late Mukhlal Choudhary Resident of Village-
Abhui, P.S.-Daraunda, District-Siwan
2. Rajesh Choudhary son of Late Mukhlal Choudhary Resident of village-
Abhui, P.S.-Daraunda, District-Siwan
3. Harendra Choudhary Son of Late Babu Lal Choudhary Resident of Village-
Abhui, P.S.-Daraunda, District-Siwan

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mithilesh Kumar, Advocate
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Daraunda P.S. Case No.- 194 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. Petitioner no. 1 has got no criminal antecedent and petitioner no. 2 and 3 have got one criminal antecedent in which they are on bail.

3. Learned counsel for the petitioners submits that on search, four gallons of five litres filled with country made wine were recovered from the Murdghatti. Later on, the villagers gathered there disclosed that the recovered wine belonged to the



petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that nothing has been recovered from the conscious possession of the petitioners.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the allegation that there is no recovery from the conscious possession of the petitioners, recovery is from the burning ghat and there is no proper identification of the petitioners, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named shall be enlarged on bail in connection with Daraunda P.S. Case No.- 194 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge Excise No. 1 at Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the petitioners shall appear before the Investigating Officer within a period of four weeks from today and shall cooperate in course of investigation.



8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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