

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47633 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

1. MUNNA CHAUDHARY Son of Shiv Lochan Chaudhary Resident of village - Mohania, ward no. 16, P.S. - Mohania, Distt. - Kaimur (Bhabhua)
2. Chhotu Chaudhary Son of Munna Chaudhary Resident of village - Mohania, ward no. 16, P.S. - Mohania, Distt. - Kaimur (Bhabhua)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-07-2023 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 offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioners submits that petitioners have antecedent of one case.

4. Allegation is of recovery of 7.38 litres of liquor from the warehouse of petitioner no. 1.

5. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and they came to be implicated at the instance of nearby people but then the FIR does not disclose the name of the person who disclosed the



name of the petitioners. It is further submitted that petitioners are not the owner of the warehouse rather had taken the warehouse on rent and no prudent person would use his own premise for committing an occurrence and thus would create evidence against himself and hence would get implicated. It appears that someone inimical to the petitioners kept the liquor in the warehouse without their knowledge.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mohania P.S. Case No. 298 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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