

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60496 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- KASHICHAK District- Nawada

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1. Chhotu Kumar S/o Umesh Prasad @ Umesh Chaurasiya R/o Village-
Nayadih, Ps. Kashichak, Pin- 805130, Dist. Nawada.
 2. Roomal Kumar S/o Baikunth Chaurasiya R/o Village- Nayadih, Ps.
Kashichak, Pin- 805130, Dist. Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate.

For the Opposite Party/s : Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Kashichak P.S. Case No.193 of 2023 dated 19.07.2023
instituted under Sections 30(a), 30(d), 41 of Bihar Prohibition
and Excise Act.

3. As per the prosecution case, there is total recovery
of 40 liters of *desi mahua* liquor from the hut.

4. Learned counsel for the petitioners submits that
petitioners are innocent and have falsely been implicated in this
case. He further submits that no incriminating material has been
recovered from the physical conscious possession of petitioners.
He also submits that the hut from where the recovery has been



made does not belong to the petitioners and they have no concern with the said recovered liquor. Learned counsel further submits that petitioner no.1 has one criminal antecedent which is not under the Excise Act and the antecedent of petitioner no.2 is clean.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousands) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II (Cum Special Excise Court), Nawada in connection with Kashichak P.S. Case No.193 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J.)

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