

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64067 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- RAHIKA District- Madhubani

1. VIJAY CHAUDHARY @ VIJAYKANT CHAUDHARY Son of Ganaur Kamat R/o vill - Jagatpur, ward no. 04, P.S. - Rahika, Dist.- Madhubani
2. Abhikant Chaudhary @ Abhikant Kamat Son of Ganaur Kamat R/o vill - Jagatpur, ward no. 04, P.S. - Rahika, Dist.- Madhubani
3. Punita Devi @ Punita Kumari W/o Vijay Chaudhary @ Vijaykant Chaudhary R/o vill - Jagatpur, ward no. 04, P.S. - Rahika, Dist.- Madhubani
4. Mamta Devi W/o Abhikant Chaudhary @ Abhikant Kamat R/o vill - Jagatpur, ward no. 04, P.S. - Rahika, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-10-2023 Heard Mr. Bhavesh Kumar Sah, learned counsel appearing on behalf of the petitioners and Mr. Md. Ataur Rahman, learned APP for the State.

2. Learned counsel appearing on behalf of the petitioners seeks to withdraw the present bail application in respect of petitioner no.1 submitting that the petitioner no.1 has been arrested during the pendency of the present bail application. Accordingly, prayer for pre-arrest bail in respect of petitioner no.1 is dismissed as withdrawn.

3. The petitioner nos. 2, 3 and 4 seek pre-arrest bail in



connection with Rahika P.S. Case No. 165 of 2023 registered for the offence punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

4. Allegation is of recovery of 43.50 litres of country made liquor from the house of co-accused Ganaur Kamat who was apprehended on the spot. Petitioners are said to be associates of said Ganaur Kamat.

5. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in the case merely on suspicion. Petitioners have no concern with the seized liquor. Nothing has been recovered from conscious physical possession of the petitioners. Petitioners have clean antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

7. Considering the nature of allegation made against the petitioners, the petitioner nos. 2, 3 and 4 are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the



satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Madhubani in connection with Rahika P.S. Case No. 165 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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