

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66226 of 2023

Arising Out of PS. Case No.-716 Year-2022 Thana- GARKHA District- Saran

1. Lal Babu Chaudhary, Male, aged about 55 years,
2. Krishna Chaudhary, Male, aged about 50 years,
Both sons of Late Luxman Chaudhary and both resident of village -
Chintamanganj, P.S. - Garakhka, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Mrityunjay Kumar Tiwary, learned
counsel appearing on behalf of the petitioners and Mr. Nand
Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Garkha P.S. Case No. 716 of 2022 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. Allegation is of recovery of 30 litres country made
liquor from a Banana orchard.

4. Learned counsel appearing on behalf of the
petitioners submitted that petitioners are innocent and have
falsely been implicated in the present case. Nothing has been



recovered from the conscious possession of the petitioners. Petitioners have no concern with the alleged seized liquor and the banana orchard from which 30 litres of country made liquor has been recovered is an open place and easily accessible to anyone. Petitioners are not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR against the petitioners, as well as, the fact that the banana orchard from which 30 litres country made liquor has been recovered is an open place and easily accessible to anyone. Petitioners are not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, 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/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge IInd-cum-Special Judge, Excise Court, Saran, in connection with Garkha P.S. Case No. 716 of 2022, 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 as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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