

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66174 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- SAHAR District- Bhojpur

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1. CHHOTU CHAUDHARY @ MITHALESH CHAUDHARY @ MITHILESH KUMAR CHAUDHARY, aged about 24 years, male, SON OF UMESH CHAUDHARY
 2. GUDDU CHOUDHARY, aged about 22 years, male, SON OF ALTU CHOUDHARY
- Both are RESIDENT OF VILLAGE- BARUHI, PS- SAHAR, DISTT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate

For the Opposite Party/s : Mrs .Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Kalyan Shankar, learned counsel appearing on behalf of the petitioners and Mrs. (Dr.) Indihar Kumari, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sahar P.S. Case No. 118 of 2023 dated 21.07.2023 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, altogether 40 litres of country made illicit liquor was recovered from four motorcycles, of which, two of them having same registration number, however, chassis number and engine number are



different, as would appear from the seizure list.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners were not in possession of the illicit liquor and they are not the owner of any of the seized motorcycles. It is lastly submitted that the petitioners are innocent, having clean antecedent.

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

6. Considering the nature of allegation as also the fact that petitioners have clean antecedent and recovery of illicit liquor was not made from their conscious possession, 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) each with two sureties of the like amount each to the satisfaction of learned Excise Judge, Bhojpur at Ara in connection with Sahar P.S. Case No. 118 of 2023, subject to the conditions 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 paragraph no.3 of the bail application, this order will automatically lose its force.

9. The court below is further directed to verify the owner of the seized motorcycles on the basis of engine number and chassis number. In case any of the motorcycles belong to the petitioners, this order will automatically lose its force also.

(Purnendu Singh, J)

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