

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72803 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- MUSAHARI District- Muzaffarpur

1. Vimal Devi W/O Sri Mithlesh Chaudhary
2. Mithlesh Chaudhary S/O Sri Jaglal Chaudhary
Both are Resident of Village- Narolisen, P.S.- Mushahari, District-
Muzaffarpur.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection
with Mushahari P.S. Case No.20 of 2022 instituted under
Sections 272,273/34 of the Indian Penal Code read with Section
30(a) of the Bihar Prohibition and Excise Act.

As per the prosecution story, the police during
patrolling got information that the accused persons including the
petitioner herein have kept countrymade liquor and selling it.
On raid, although none of the accused persons could be
apprehended, two liters of 'Desi Chulai' liquor was
recovered/seized.

Taking into account the quantity of recovery as also



that the petitioners do not have criminal antecedent, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mushahari P.S. Case No.20 of 2022 to the satisfaction of learned Special Judge Court No.1, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner no.2 shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iv) the petitioner no.2 shall appear before the concerned police station every fortnight for next six months to



mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Ajay Singh

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