

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80121 of 2023

Arising Out of PS. Case No.-395 Year-2023 Thana- ATRI District- Gaya

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1. PAPPU CHOUDHARY SON OF SARYUG CHOUDHARY @ SARYU CHOUDHARY R/O VILLAGE- KARAMCHAK TOLA, LANKA JALALPUR, P.S.- ATRI, DIST.- GAYA
 2. RAJESH RAJBANSHI @ RAJESH RAJWANSHI SON OF SUKHDEO RAJBANSHI R/O VILLAGE- KARAMCHAK TOLA, LANKA JALALPUR, P.S.- ATRI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Rajesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Atri P.S. Case No. 395 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. On search, 25 litres *mahua* liquor as well as 300 litres raw material has been recovered from the place of occurrence.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioners. They have no concern either with the seized liquor or place of recovery or any



trade of liquor. The allegation levelled against the petitioners is general and omnibus in nature. They were not apprehended on the spot. They had not consumed liquor. Their name have been transpired in the present case merely on the basis of the statement of local *Chowkidar*. Petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent, as mentioned in para 3 of the bail application.

5. Learned APP for the State opposed the prayer for bail and submitted that the allegation against the petitioners to be involved in manufacturing of illicit liquor.

6. Considering the facts and circumstances of the case, as petitioners are involved in manufacturing of illicit liquor, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

(Anjani Kumar Sharan, J)

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