

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15188 of 2024

Arising Out of PS. Case No.-203 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. Om Prakash Choudhary son of Krishna Choudhary Village- Deoria Ps-
Maharajganj Dist- Siwan
2. Raj Kishore Choudhary son of Krishna Choudhary Village- Deoria Ps-
Maharajganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mthilesh Kumar
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-03-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 30(a), 36
and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that the
petitioners are person with clean antecedent and allegation is of
recovery of 6 litres of liquor from the backyard of Babua
Choudhary and 8 litres of liquor from the house of one Krishna
Choudhary.

4. Learned counsel for the petitioners submits that the
petitioners were not arrested from the spot as such nothing was
recovered from their conscious possession. It is also submitted
that even alleged recovery is from a place which does not



belong to the petitioners and the petitioners are not related to either Babua Choudhary or Krishna Choudhary. It is next submitted that they came to be implicated based on confessional statements of apprehended accused in police custody, which does not have any evidentiary value, when petitioners admittedly are persons with clean antecedents.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Maharajganj P.S. Case No. 203 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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