

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16049 of 2024

Arising Out of PS. Case No.-390 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Mahanth Chaudhary @ Mahanth Yadav @ Mahanth Chaudhury Son of Late Badri Chaudhary
2. Kailash Chaudhary @ Ram Kailash Yadav Son of Rudal Chaudhary, both are R/o Village- Pankatiya Tola Tar, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-03-2024 1. Heard learned counsel for the petitioners as well as learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.
3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of three cases and petitioner no.2 has antecedent of two cases and allegation is of recovery of 45 liters of liquor from a gunny bags kept on a motorcycle and 90 liters of liquor from another gunny bag which was kept on the road.
4. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from the conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated by the police because of their antecedents.

5. The learned APP for the State opposes the anticipatory bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.15,000 /- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge,II-cum-Special Excise Court-I,Gopalganj in connection with Fulwariya (Phulwaria) P.S. Case No.390 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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