

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29198 of 2024

Arising Out of PS. Case No.-490 Year-2023 Thana- PIRO District- Bhojpur

1. Dhanji Chaudhary SON OF LATE KUDUR CHAUDHARY Resident of village- BALUA BAGICHA TOLA WARD NO. 9, PS- PIRO, DIST- BHOJPUR
2. Somari Devi WIFE OF SOMARU CHAUDHARY Resident of village- BALUA BAGICHA TOLA WARD NO. 9, PS- PIRO, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-05-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Piro P.S. Case No. 490/2023 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition of Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged recovery of 05 liters Mahua liquor from the house of petitioner no.1 as well as 10 liters Mahua liquor from the house of petitioner no.2.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as



alleged in the FIR and they have falsely been implicated in this case. The petitioners bear no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioners. He further submits that as per FIR the alleged recovery was made from the joint house of the petitioners and the same is accessible to all the family members. There is no compliance of Section 100 Cr.P.C. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge, Excise Court No.-II, Bhojpur at Ara in connection



with Piro P.S. Case No. 490/2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

