

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35485 of 2024

Arising Out of PS. Case No.-334 Year-2023 Thana- MAHARAJGANJ District- Siwan

1. Guddu Chaudhary
2. Tinku Chaudhary
Both Son of Butai Chaudhary R/O - Vill- Rampali, P.S- Maharajganj, Dist - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 26-07-2024 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 Sections 272, 273 of the IPC and 30(a)(d) Excise Act in connection with Maharajganj P.S. Case No.334 of 2023.
3. The learned counsel for the petitioners submit that the petitioners have antecedent of three cases and the allegation is of recovery of 25 liters of liquor from the house of the petitioners.
4. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from his conscious possession and after amendment in the Excise Act in



the year 2018 the concept of deemed possession and presumed offender has been done away with. It is also submitted that the house in question is a joint family property as such it cannot be alleged with certainty that it was petitioners who had kept the liquor in the house or the liquor kept in the house was within the knowledge of the petitioners. It is also submitted that they came to be implicated at the instance of the local people, but then the name of the person who disclosed the name of the petitioners is not recorded in the FIR, which cast an aspersion in the case of the prosecution.

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 Exclusive Special Excise Court No.1, Siwan in connection with Maharajganj P.S. Case No.334 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.



7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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