

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39270 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- TEGHRHA District- Begusarai

1. Siko Choudhary @ Sikendra Chaudhary S/o Sukhdev Chaudhary R/o Village-Pakthaul, P.s.-Teghra, District-Begusarai
2. Mithun Choudhary @ Mithun Kumar @ Soniyun Kumar S/o Shankar Chaudhary R/o Village-Pakthaul, P.s.-Teghra, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Teghra P.S. Case No. 78 of 2024 dated 31.03.2024, instituted for the offence punishable under Section 30(a) of Bihar Prohibition of Excise Act, 2018.

3. The prosecution case, in short, is that the police got information that accused persons including the petitioners along with their other associates were dealing business of country made liquor. On this information, the police reached at the place of occurrence but the petitioners fled away. On search, total 30 litres country made liquor has been recovered along with other



articles and seizure list was prepared accordingly. As per the seizure list, the illicit liquor was recovered from the bank of River Balan.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the petitioners have been made accused only on the disclosure of Mahal Chowkidar. It is submitted that there is no recovery either from the conscious possession of the petitioners or from their house. The said river bank is Government land which does not belong to the petitioners. Only on the basis of suspicion, the petitioners have been made accused in this case. Lastly, it has been submitted that petitioner no. 1 has no criminal antecedent and petitioner no. 2 has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Teghra P.S. Case No. 78 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-I, Begusarai, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

- 1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.
- 3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
- 4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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