

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42751 of 2024

Arising Out of PS. Case No.-211 Year-2024 Thana- BARUN District- Aurangabad

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1. Dilip Kumar @ Deepak Chaudhary S/o Ram Ratan Chaudhary, R/o Village- Barun Khemda, P.S- Barun, Distt.- Aurangabad.
 2. Ashok Chaudhary S/ Rajendra Chaudhary, R/o Village- Barun Khemda, P.S- Barun, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate.
For the Opposite Party/s : Mr. Surendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with G.R. No.259 of 2024 arising out of Barun P.S. Case No.211 of 2024 instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, there is recovery of 40 litre country made liquor from *Devi Ghat*.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He further submits that place of occurrence is open place and the petitioners have no concern with the place of occurrence



or with the alleged seized liquor and only on the basis of suspicion they have been made accused in this case. Learned counsel submits that there is gross violation of Section 100 of Cr.P.C. in preparing the seizure list. He further submits that petitioners have no criminal antecedent and they undertake to cooperate in the investigation.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned Special Judge, Excise-01, Aurangabad in connection with G.R. No.259 of 2024 arising out of Barun P.S. Case No.211 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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