

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44042 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- GARKHA District- Saran

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1. Saroj Kumar Chaudhary S/o Late Shiva Narayan Chaudhary R/o vill - Sargatti, P.S. - Garkha, Distt. - Saran
 2. Munna Chaudhary S/o Late Shiva Narayan Chaudhary R/o vill - Sargatti, P.S. - Garkha, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Alok Kumar Alok, Advocate
For the State	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-07-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 25 litres country made liquor has been recovered behind the back of house of Petitioner No. 1 and 30 litres country made liquor has been recovered from *palani* in front of house of Petitioner No. 2.

4. It is submitted by learned counsel appearing on behalf of the petitioners that no incriminating article has been recovered from the conscious possession of this petitioners and the places from which the alleged illicit liquor has been



recovered are accessible to one and all. It is further submitted that Petitioner No. 1 has got one criminal antecedent of similar nature and Petitioner No. 2 has got two criminal antecedents of similar nature.

5. Learned A.P.P. for the State has opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the aforesaid facts and circumstances, nature of accusation and two criminal antecedents of similar nature, prayer for grant of anticipatory bail to Petitioner No. 2 is rejected.

7. So far as Petitioner No. 1 is concerned, considering the aforesaid facts and circumstances, and the fact that he has got one criminal antecedent of similar nature in which he is already on bail, the prayer for grant of anticipatory bail to the Petitioner No. 1 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let above named Petitioner No. 1 be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court, Saran, Chapra, in connection with Garkha P.S. Case No. 113 of 2024, subject to condition as laid down under Section



438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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