

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78733 of 2024

Arising Out of PS. Case No.-689 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

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Umesh Chaudhary Son of Ashok Chaudhary @ Dilip Chaudhary Resident of
Village- Gadai Sarai, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 79016 of 2024

Arising Out of PS. Case No.-689 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

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Rajesh Chaudhary S/o Ashok Chaudhary @ Dilip Chaudhary Resident of
Village- Gadai Sarai, P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 78733 of 2024)
For the Petitioner/s : Ms.Shyamli Kumari
For the Opposite Party/s : Mr.Pradeep Narain Kumar
(In CRIMINAL MISCELLANEOUS No. 79016 of 2024)
For the Petitioner/s : Ms.Shyamli Kumari
For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 228-11-2024
1.

Since both these anticipatory bail applications arise out of Hajipur Sazdar Police Station Case No. 689 of 2024, with the consent of the parties, both these applications are heard together.
2.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.



3. These applications, for grant of anticipatory bail, arise out of Hajipur Sadar Police Station Case No. 689 of 2024, dated 16.09.2024, disclosing offence under Sections 274/275 of the Bhartiya Nyaya Sanhita, 2023 and Sections 30 (a) of the Bihar Prohibition and Excise Act, 2016.
4. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners are selling illicit liquor from the cattle shed, arrived at the place of occurrence and on seeing the police, two persons fled away. The police recovered 20 litres of illicit country-made liquor from the cattle shed of the petitioners.
5. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of disclosure of their name by the Chowkidar and local villagers. He further submits that illicit liquor has not been recovered from inside the house of the petitioners; rather, the same has been recovered from the cattle shed of the petitioners, which is situated outside the house and is an open space, accessible to all and sundry.



6. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that 20 litres of illicit liquor has been recovered from the cattle shed of the petitioners, situated outside the house of the petitioners, which is an open space and no illicit liquor has been recovered from inside the house of the petitioners, I am inclined to grant the petitioners privilege of anticipatory bail.
7. These applications are, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Vaishali, at Hajipur, in connection with Hajipur Sadar Police Station Case No. 689 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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