

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86651 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- CHARPOKHARI District- Bhojpur

1. ANKIT KUMAR Son of Birendra Singh R/o vill - Baghi Tola, P.S. - Char-pokhari, Distt. - Bhojpur
2. Satrudhan Kumar Son of Lakshman Chaudhary R/o vill - Baghi Tola, P.S. - Charpokhari, Distt. - Bhojpur
3. Vikash Chaudhary Son of Baran Chaudhary R/o vill - Baghi Tola, P.S. - Charpokhari, Distt. - Bhojpur
4. Birendra Singh Son of Ishwardayal Singh R/o vill - Baghi Tola, P.S. - Char-pokhari, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Uday Kumar
For the Opposite Party/s	:	Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-01-2024

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Charpokhari P.S. Case No. 142 of 2023 dated 22.07.2023 registered under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the F.I.R. Police on the basis of secret information arrived at the place of occurrence and found that some persons assembled there upon seeing the Police party started fleeing away. Upon search, Police recovered 55 liters of illicit country made liquor near the bank of the river Banas. The



Mahal Chaukidar disclosed the names of ten persons who succeeded in fleeing away including the petitioners.

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case by the Police with oblique motive. The petitioners are having no criminal antecedent and they have been made accused on the basis of the disclosure of their names by Mahal Chaukidar. No illicit liquor has been recovered from the conscious possession of the petitioners and / or premises belonging to them. As per the F.I.R. illicit liquor has been recovered from an open space near the bank of a river, which is accessible to all and sundry. Learned counsel further submits that similarly situated co-accused / Krishna Chaudhary has been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 64145 of 2023.

5. Regard being had to the submission made by the parties, taking into consideration the fact that petitioners are having no criminal antecedent, no illicit has been recovered from their conscious possession and / or premises belong to them and similarly situated co-accused has been granted anticipatory bail by this Court, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Special Excise Judge Bhojpur at Ara in connection with Charpokhari P.S. Case No. 142 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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