

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2388 of 2025

Arising Out of PS. Case No.-239 Year-2024 Thana- CHANPATIA District- West Champaran

1. Bhola Nat S/O Sri Suleman Nat R/O Vill.- Laukariya, Netua Toli, Ward no. 06, P.S.- Chanpatia, Dist.- West Champaran.
2. Dilip Nat S/O Rajendra Nat R/O Vill.- Laukariya, Netua Toli, Ward no. 06, P.S.- Chanpatia, Dist.- West Champaran.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 01-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehends their arrest for the offences punishable under Sections 274/275 of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of the first information report and the seizure list would go to show that a total 18 liters of country made liquor has been recovered from the cremation ground/Ghat.

4. Learned counsel for the petitioners submits that the name of the petitioners have surfaced in this case on account of the fact that the local chaukidar has taken the name of the petitioner only on the basis of suspicion. It is further submitted that the place of recovery is an open place and easily accessible



to anyone, hence no liability can be fastened on the petitioners. It is also a fact that the petitioners were not caught on the spot and nothing has been recovered from their physical or conscious possession. There is violation of mandatory provisions while conducting the search and seizure.

5. Taking into consideration the abovementioned facts and circumstances of the case and further that the petitioner has no criminal antecedent, I am inclined to extend the privilege of anticipatory bail to the petitioner. Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Chanpatia P.S. Case No.239 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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