

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5644 of 2025

Arising Out of PS. Case No.-284 Year-2024 Thana- BUNIYAD GANJ District- Gaya

1. Sangita Chaudhary @ Sangita Devi Wife of Pintu Chaudhary Resident of Alipur, PS- Buniyadganj, Distt.- Gaya
2. Pintu Chaudhary Son of Late Rajkumar Chaudhary Resident of Alipur, PS- Buniyadganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabia Gulnaz, Adv.
For the State : Mr. Uday Pratap Singh, APP.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-04-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 132, 262, 263 of the B.N.S., 2023 and Sections 30 (a), 45 of the Bihar Prohibition and Excise (Amendment) Act.

3. From a perusal of the FIR as also the seizure list, it would appear that 20 litres of country made mahua liquor was recovered from a bag in the market place and it has been alleged in the FIR that one Pintu Chaudhary (petitioner no.2) had thrown the same from the motorcycle and made an escape.

4. Learned counsel for the petitioners submits that the



allegations made against the petitioners in the FIR are not correct and the name of petitioner no.2 has been taken by the local chowkidar only on the basis of suspicion. Learned counsel further submits that no recovery has been made from the physical and conscious possession of the petitioners and the process of search and seizure is also in violation of Section 103 of BNSS as there is no independent witness to the seizure list. It is further submitted that petitioner no.1 is the wife of petitioner no.2 and although she has no criminal antecedent, she has been made an accused in the present case.

5. Learned APP for the State opposes the prayer for anticipatory bail, besides others, on the ground that petitioner no.2 has three criminal antecedents to which learned counsel for the petitioners replies that out of three, only one case is of the same nature and petitioner no.2 is on bail in all the three cases.

6. Considering all the facts and circumstances of the case particularly that there is no recovery from physical and conscious possession of the petitioners, I am inclined to grant the privilege of anticipatory bail to the petitioners. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released



on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Judge, Gaya in connection with Buniyadganj P.S. Case No. 284 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023.

7. The learned Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para 3 of the bail application, this order will automatically loose its force.

(Soni Shrivastava, J)

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