

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86922 of 2024

Arising Out of PS. Case No.-179 Year-2024 Thana- LACHHUAR District- Jamui

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1. Anil Chaudhary @ Ani Chaudhary Son of Late Kishun Chaudhary Resident of Village- Nawabganj, P.S.- Lachhuar, Distt.- Jamui
 2. Makeswar Kumar Son of Anil Chaudhary Resident of Village- Nawabganj, P.S.- Lachhuar, Distt.- Jamui
 3. Vinod Kumar Son of Anil Chaudhary Resident of Village- Nawabganj, P.S.- Lachhuar, Distt.- Jamui

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikramadit, Adv.
For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 18-01-2025 1. Learned Counsel for the petitioners informs that during the pendency of this application, the petitioner no. 1, namely, Anil Chaudhary, has been arrested by the police and this application, so far as petitioner no. 1 is concerned, has become infructuous.
2. Accordingly, this application, so far as petitioner no. 1, Anil Chaudhary, is concerned, is dismissed as having become infructuous.
3. Heard learned Counsel for the petitioner nos. 2 and 3 and learned APP for the State.
4. This application, for grant of anticipatory bail, arises out



of Lachhuar P.S. Case No. 179 of 2024, disclosing offences punishable under Section 30(a) of Bihar Prohibition & Excise Amendment Act, 2022.

5. The prosecution case, as per the First Information Report, is that on 15.10.2024, the police got a secret information that some persons were selling illicit liquor near the bank of river situated behind the petitioner's house, proceeded towards the place of occurrence and reached in the village of the petitioner where police saw that three persons were fleeing and succeeded in the same. Upon search, 30 liters of country made liquor was recovered from the bank of river situated behind the petitioner's house.
6. Learned Counsel for the petitioners submits that petitioners have no criminal antecedent and the illicit liquor has been recovered from the bank of the river which is an open place and is accessible to all and sundry. The illicit liquor has not been recovered from the premises belonging to the petitioners.
7. Regards being had to the submission advanced on behalf of the parties and taking into consideration that fact that the petitioners have no criminal antecedent and they have been made accused on the basis of secret information and



illicit liquor has not been recovered from the premises belonging to them, I am inclined to grant the petitioner privilege of anticipatory bail.

- 8. This application is, accordingly, allowed.
- 9. Let 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 Exclusive Excise Court No.1 Jamui in connection with Lachhuar P.S. Case No. 179 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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