

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89384 of 2024

Arising Out of PS. Case No.-162 Year-2024 Thana- DHANSOI District- Buxar

1. Dinesh Kumar Chaudhary @ Dinesh Chaudhary Son of Shri Bhagwan Chaudhari Resident of Village - Kharahane Pidiya, P.O. - Kakariyan, Police Station - Dhansoi, District - Buxar
2. Sangita Devi Wife of Dinesh Kumar Chaudhary @ Dinesh Chaudhary Resident of Village - Kharahane Pidiya, P.O. - Kakariyan, Police Station - Dhansoi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-01-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Dhansoi Police Station Case No. 162 of 2024, disclosing offences under Sections 30(a), 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the FIR, the police got the secret information that petitioners are indulged in manufacturing of illicit liquor in his house, proceeded towards the place of occurrence and recovered 20 liters of illicit liquor from the courtyard of the petitioners and both the petitioners succeeded in fleeing away. The police also recovered a gas cylinder, induction stove and



gas stove.

4. Learned Counsel for the petitioners submits that both the petitioners are husband and wife and they have been implicated in this case on the basis of secret information. In the FIR, 20 liters of country made liquor is said to be recovered from the courtyard but in the seizure list, the place of recovery is not mentioned and only in Column C, the place of recovery has been said to be village Pidiya Tola. There is discrepancy in the place of recovery between FIR and the seizure list. The cylinder and gas stove found in the courtyard are the daily use articles which are normally kept in homes.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the discrepancy in the FIR as well as the seizure list regarding the place of seizure, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge



Excise 1st, Buxar, in connection with Dhansoi Police Station
Case No. 162 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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