

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6119 of 2021

Arising Out of PS. Case No.-192 Year-2019 Thana- NOKHA District- Rohtas

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Ajay Chaudhary @ Anay Kumar Son of Bhagwan Chaudhary Resident of
Village - Khanda, P.S.- Sasaram (Muffasil), Distt.- Rohtas at Sasaram.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-12-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Surendra Kumar, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Nokha P.S. Case No. 192 of 2019
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018. The
petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that the
petitioner is not named in the FIR, however, his name has
transpired in the confessional statement of the co-accused who
were the driver and owner of the truck from which altogether
1874.920 liters wine were recovered.



Learned counsel submits that save and except the confessional statement in which the name of the petitioner has transpired, there is no other material to connect him with this case. He further submits that co-accused Bairister Chaudhary has been granted privilege of anticipatory bail by a learned Co-ordinate Bench of this Court vide order dated 06.04.2021 in Cr. Misc. No. 4206 of 2021.

On the other hand, learned APP for the State submits that in this case the police has completed investigation and after investigation, a chargesheet has been filed as back as on 31.10.2019.

Learned APP submits that although the name of the petitioner has transpired in the confessional statement but the investigation against the petitioner is still pending as is appearing from perusal of Annexure '2' which is a copy of final form.

Having regard to the submissions noted above and on finding that the investigation against the petitioner is still pending and this case is similarly situated with Bairister Chaudhary who has been granted privilege of pre-arrest bail and further that the petitioner has got no criminal antecedent, this Court directs that the petitioner above named in the event of his arrest or surrender within four weeks from today be released on



bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned 2nd Additional District and Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasaram in connection with Nokha P.S. Case No. 192 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

