

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58750 of 2022

Arising Out of PS. Case No.-260 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Anil Choudhary, Son of Ram Jivan Choudhary, Resident of Village-
Makdampur, Ward No.-03, P.O.- Somasa, P.S.- Masurchak, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Kumar, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Khodawandpur P.S. Case No. 260 of 2022
registered for the alleged offences under Sections 420, 467, 471
and 120B of the Indian Penal Code and Sections 30(a), 32(I)(II),
36 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about bringing of illicit liquor by the truck at an
identified place. A raid was conducted. Near the truck, two four
wheelers and two motorcycles along with 5-6 persons were



seen. The miscreants tried to run away on the motorcycle and the motorcycles were chased and near a line hotel this petitioner was apprehended along with two other co-accused persons with motorcycles. Police recovered 5392.44 litres of India made foreign liquor from different vehicles.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and he has no concern with the allegedly recovered illicit liquor. Petitioner has never indulged in illicit trade of liquor. The petitioner is in custody since 05.09.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Judge, Excise-1st, Begusarai in connection with Khodawandpur
P.S. Case No. 260 of 2022, subject to the conditions mentioned
in Section 437(3) of the Code of Criminal Procedure and also
the following conditions :

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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