

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67060 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- WAJIRGANJ District- Gaya

SHAMBHU CHAUDHARY Son of Prayag Chaudhary Resident of Village -
Itwan, P.O. - Kharhari, P.S.- Wazirganj, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 15 litres of liquor from the
petitioner's house and 2 boxes of 15 litres Java Mahua which was
destroyed at the spot.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from
his conscious possession. It is further submitted that petitioner came
to be implicated in mechanical manner when the alleged recovery is



alleged to have been taken place from the house of the petitioner but it has been specifically pleaded at para 6 of the anticipatory bail application that the alleged house from where the recovery was made does not belong to the petitioner and he came to be implicated based on secret information received from the Excise Officials.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Wazirganj P.S. Case No. 392 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned Trial Court before accepting the bail bonds shall verify the criminal antecedent of the petitioner and, in the event, if it is found that petitioner has antecedent then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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