

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34391 of 2023

Arising Out of PS. Case No.-328 Year-2022 Thana- SIKANDRA District- Jamui

SUNIL CHOWDHARY Son of Laxman Chowdhary Resident of village-
Purani Durga Sthan, Sikandra, Police Station-Sikandara, District-Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bharat Bhusan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Sikandara P.S. Case No. 328 of 2022 for the offence under Sections 272 and 273 of the I.P.C. and Section 30(a) of Bihar Excise Prohibition and Amendment Act lodged on 27.11.2022 by the informant, Md. Taiyab.

As per the prosecution story, the Police recovered/seized five liters of country-made liquor from Purani Durga Asthan Garden, one person escaped and the locals gave the name of the petitioner as the said person. Accordingly, the F.I.R.

It is the case of the petitioner that he has no criminal antecedent and nothing to do with the alleged recovery/seizure but due to enmity, his name has been taken.



Mr. Bharat Bhusan, learned APP opposes the prayer.

Considering the fact that recovery/seizure is from an open place and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Excise Court-I, Jamui, in connection with Sikandara P.S. Case No. 328 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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