

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36475 of 2023

Arising Out of PS. Case No.-420 Year-2022 Thana- TEKARI District- Gaya

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Rahul Kumar Chaudhary S/O Shrichand Chaudhary R/O Village- Naudiha,
P.S- Khizersarai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Tekari P.S. Case No. 420 of 2022, registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, four litres of country made liquor
was recovered from a motorcycle.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner is owner of the alleged motorcycle. He also submits that though the petitioner is owner of the motorcycle but the petitioner was not arrested from spot. The alleged motorcycle was taken by co-accused Sanjeet Kumar, who is a relative of the petitioner, for driving and the petitioner was not aware about the illicit liquor being carried by the said co-accused. He also submits that quantity of the alleged recovered contraband is very small.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. In view of the aforesaid facts and circumstances, no case, *prima facie*, is made out against the petitioner. Hence the present anticipatory bail application, is maintainable.

9. Considering the aforesaid facts and circumstances, the present anticipatory bail application is maintainable and the same is allowed, directing the petitioner, above-named, to be



enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Tekari P.S. Case No. 420 of 2022,, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail and charge is framed with regard to alleged subsequent offence, his bail-bond will be cancelled by the court below.

10. Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

Amrendra/ashish
kr/-

(Jitendra Kumar, J)

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