

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41469 of 2023

Arising Out of PS. Case No.-482 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

Masudan Chaudhary S/o Late Ram Pratap Chaudhary R/o Village- Lakho, PS.
Muffasil, (Lakho O.P) Dist.Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Braj Bhushan Poddar, Advocate
For the Opposite Party : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Muffasil (Singhaul O.P.) P.S. Case No. 482 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant, who is A.S.I. of Singhaul O.P., has alleged that while he along with other police personnel were proceeding for night patrolling, received information that one white colour pick-up van loaded with liquor is going from village Rajaura. Thereafter he started checking of vehicle at Bagwara Chowk, when he tried to stop



the vehicle, the driver did not stop there and on chase, the driver left the vehicle and tried to flee away but was caught by the police. The driver disclosed the name of the owner of the vehicle namely, Masudan Chaudhary (the petitioner). It is alleged that from the vehicle total 1065.60 liters foreign liquor were recovered.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the vehicle was not in possession of the petitioner, the driver, who was involved in the said occurrence, has already been arrested.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the vehicle was not in possession of the petitioner, the driver of the vehicle has already been arrested and that it was the driver who was allegedly involved in the said occurrence in which illicit liquors are said to have been recovered from the vehicle, the petitioner has otherwise no criminal antecedent, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five



thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge – 1st, Begusarai, in connection with Muffasil (Singhaul O.P.) P.S. Case No. 482 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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