

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45122 of 2023

Arising Out of PS. Case No.-489 Year-2021 Thana- EKMA District- Saran

SUDAMA CHAUDHARY Son of Tuntun Chaudhary Resident of village -
Pasi Tola, Parsagarh Bazar, P.s. - Ekma, Distt. - Saran At Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioner and Mr.
Sanjay Kumar who represent the State.

The petitioner apprehends his arrest in connection with Ekma P.S. Case No. 489 of 2021 for the offence punishable under Sections 30 (a), 41 (i) (ii) of the Bihar Prohibition and Excise Act, 2018, lodged on 16.12.2021 by the informant Lalee Prasad.

As per the prosecution story, the police secret information caught one Munna Chaudhary and recovered 50 liters illicit country made liquor present in sack loaded in a motorcycle. Accordingly the FIR.

It is the contention of the learned counsel for the petitioner that although the motorcycle belongs to him, his friend Munna Chaudhary had taken the same and he had little



knowledge that the same being used for carrying illicit liquor.
further he is ready to abide by all the terms and conditions.

Learned APP opposes the prayer stating that the vehicle belongs to the petitioner.

Considering the aforesaid facts/submissions put forward by the learned counsel for the petitioner as also that the alleged recovery is from one Munna Chaudhary, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. District and Sessions Judge 2nd -cum- First Exclusive Special Judge, Excise Court, Chapra, Saran, in connection with Ekma P.S. Case No. 489 of 2021, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 month till the conclusion of the trial 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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