

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43459 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Mantu Chaudhary @ Mantu Kumar Son Of Ramchandra Chaudhary, Resident
Of Village- Kishun Tola, Ps- Daudnagar, District- Aurangabad (Bihar)

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 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 Daudnagar P.S. Case No- 324 of 2023 registered for the offences punishable under Sections 30(a),(c),(d), 36 of Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the informant alleged that during night patrolling he got secret information that Pawan Chaudhary, Mohar Kumar, Mantu Choudhary and Anil Choudhary are involved in preparation of illicit liquor in the field of Anil Choudhary. The informant reached their and on seeing the police aforesaid four persons managed to escape. In the meantime, several persons assembled there who disclosed the name of accused persons saying that



they are involved in preparation of illicit liquor. The informant searched the place and recovered altogether 70.92 liters of illicit liquor along with empty bottles, wrappers and utensils.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no independent witness has signed the seizure list. The petitioner has no concern with the place of recovery.

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

6. Having regard to the submission, that the place of recovery does not belong the petitioner, seizure list witness are police personnel and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Daudnagar P.S. Case No- 324 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Learned Special Judge, Excise, II Aurangabad (Bihar), 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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