

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45139 of 2023

Arising Out of PS. Case No.-289 Year-2021 Thana- PIPRAKOTHI District- East Champaran

SAHEB CHAUDHARY @ SAHEB KUMAR CHAUDHARY Son of
Harendra Chaudhary Resident of village - Hathiyahi, Tikuliya, P.S. -
Piprakothi, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Sharan Tiwari, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Piprakothi P.S. Case No. 289 of 2021 instituted under under Sections 272, 273/34 of the Indian Penal Code and section 30(a)/30(c) of the Bihar Prohibition and Excise Act lodged on 6.12.2021 by the informant, Naveen Kumar.

As per the prosecution story, the police on secret information of selling of country made wine by the accused persons, raided the house of Saheb Chaudhary (the petitioner herein) and recovered five liters of country made liquor. Accordingly, the FIR.

Learned counsel for the petitioner submits that it is a joint house. There is no independent witness and the police had



planted this theory to implicate him.

Learned APP opposes the prayer stating that the recovery is from the house of the petitioner.

Considering the submission of the learned counsel for the petitioner that it is a joint house, he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Piprakothi P.S. Case No. 289 of 2021 to the satisfaction of learned Exclusive Special Judge Excise Court No.1, East Champaran at Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

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

(v) 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;

(vi) 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.

(Rajiv Roy, J)

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