

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43565 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Nandu Chaudhary S/O Tufani Chaudhary R/O Village- Lakra, P.S- Nawalpur (O.P), Distt.- West Champaran.
2. Binod Ram S/O Late Nagina Ram R/O Village- Lakra, P.S- Nawalpur (O.P), Distt.- West Champaran.

... .. **Petitioners**

Versus

The State of Bihar

... .. **Opposite Party**

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Jogapatti (Nawalpur) P.S. Case No. 207 of 2023 registered for the offences punishable under Sections 414, 467, 468, 471 & 34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, while the informant got secret informant that one Bahadur Sah is engaged in sale of illicit liquor, he reached at the spot and two persons were apprehended with two motorcycles and they disclosed their names as Ruplal Yadav and Mohit Kumar Yadav and they



disclosed the name of Bahadur Sah and Nandu Chaudhary and Binod Sah who were fled away from the spot. Thereafter the police seized the illicit liquor from the apprehended accused.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the liquor has been recovered from the hut of the co-accused Bahadur Sah and the name of the petitioners has transpired in the confessional statement of the co-accused.

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

6. Having regard to the submission that the liquor has been recovered from the hut of the co-accused Bahadur Sah, the name of the petitioners has transpired in the confessional statement of the co-accused who were apprehended by the police and the petitioners have otherwise no criminal antecedent, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Jogapatti (Nawalpur) P.S. Case No. 207 of 2023



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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

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