

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44230 of 2023

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

Anil Choudhary S/O Late Ram Singhashan Choudhary @ Late Singhashan Choudhary R/O Village- Kishun Tola, P.O- Sensa, Ps. Daud Nagar, Dist. Aurangabad

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Nityanand, 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 Daud Nagar P.S. Case No-324 of 2023 registered for the offences punishable under Sections 30 (a) (c) (d)/ 56 of the Bihar Prohibition Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that the 70.92 litres of country made liquor has been recovered from an open field of Anil Choudhary (petitioner) beside the dry well. And, accordingly, seizure list was prepared.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that nothing has been recovered from the alleged possession of the petitioner.

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

6. Having regard to the submission that the recovery of illicit liquor has not been made from the house of the petitioner or from the conscious possession of the petitioner and he has 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 Daud Nagar 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 in Daud Nagar, 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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