

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47198 of 2023**

Arising Out of PS. Case No.-53 Year-2023 Thana- NTPC KHAIRA District- Aurangabad

Pankaj Kumar Chaudhary S/o Manoj Chaudhary R/o Village- Kajrain, P.S.  
N.T.P.C. Khaira, Dist. Aurangabad

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate  
For the Opposite Party/s : Mr.Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      11-08-2023                      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 N.T.P.C. Khaira P.S. Case No. 53 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. As per the prosecution story, on 24.05.2023 the informant- Ram Pukar Kumar, ASI of Khaira Police Station got secret information that the petitioner was selling wine near Surendra Choudhary damaged house. When the police reached there, the petitioner fled away. On search, the police recovered 10.01 litres Mahua wine from the said house. Then, the informant prepared a seizure list and an



FIR was lodged.

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 recovered from the conscious possession of the petitioner. No independent witness has signed the seizure list.

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

6. Having regard to the submission that recovery has not been made from conscious possession of the petitioner, no independent witness signed the seizure list and he 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 N.T.P.C. Khaira P.S. Case No. 53 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, Second, Aurangabad, 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)**

tusharika/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

