

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47847 of 2023

Arising Out of PS. Case No.-421 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. DHRUV CHAUDHARY Son of Late Bhola Chaudhary R/o Village-Shankar Saraiya, Tola-Bankat, Ward No.-5, P.S.-Turkauliya, District-East Champaran
 2. LALU CHAUDHARY S/o Late Raghunath Chaudhary @ Late Raghunath Choudhary R/o Village-Shankar Saraiya, Tola-Bankat, Ward No.-5, P.S.-Turkauliya, District-East Champaran
 3. LAL KISHORE CHAUDHARY Son of Late Lal Kishore Chaudhary R/o Village-Shankar Saraiya, Tola-Bankat, Ward No.-5, P.S.-Turkauliya, District-East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023

Heard the parties.

The petitioners are apprehending their arrest in connection with Turkauliya P.S. Case No. 421 of 2023 for the offence under sections 272, 273 of the I.P.C. and 30(a)/41(1) of Bihar Prohibition and Excise Act, 2018 lodged on 07.04.2023 by the informant, Md. Meraj Khan.

As per the prosecution story, the Police apprehended one Naresh Kumar and from the two motorcycles, 38 liters of country made liquor tied to the said motorcycles were recovered/seized. Accordingly, the F.I.R.



Learned counsel for the petitioners submit that their name has come in the confessional statement of Naresh Kumar and though, petitioner no. 3 has one criminal antecedent, the other petitioners do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the fact that the Police already apprehended Naresh Kumar with the 38 liters of country made liquor, these petitioners have been named on the basis of confessional statement and ultimately, will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, East Champaran, Motihari, in connection with Turkauliya P.S. Case No. 421 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners 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;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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