

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59874 of 2023

Arising Out of PS. Case No.-751 Year-2023 Thana- NAWADA District- Nawada

KARU CHAUHAN S/o Janki Chauhan Resident of Village-Musan Bigha,
P.S.-Nagar, District-Nawaa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Nawada P.S. Case No. 751 of 2023 for the offence registered under sections 30 (a) (c) of the Bihar Prohibition and Excise Act, 2016 lodged on 20.05.2023 by the informant Sri Sadhu Sharan Prasad.

As per the prosecution story, the allegation is that the police reached the place and near a mango tree, 100 liters country made liquor recovered as also some utensils for manufacturing the said liquor. The '*chowkidar*' named this petitioner. Accordingly, the FIR.

It is the case of the petitioner that only because of criminal antecedent, the '*chowkidar*' has named him. Nothing



has been recovered from his conscious possession rather the recovery is near the mango tree. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 5,000/- to the Chief Minister's Relief Funds.

Learned APP opposes the prayer.

Taking into account the submissions put forward by the learned counsel for the petitioner, nothing has been recovered from his conscious possession and he do not have criminal antecedent, FIR lodged and ultimately, they will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs. 5000/-, as stated above.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1st Nawada in connection with Nawada P.S. Case No. 751 of 2023 subject to condition 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 *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 appear before the concerned police station every month for next one year to mark attendance;

(iv) 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;

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

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

(Rajiv Roy, J)

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