

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59930 of 2023

Arising Out of PS. Case No.-191 Year-2023 Thana- BHAGWAN BAZAR District- Saran

MUNNA CHAUDHARY S/O NARENDRA CHAUDHARY @ NARODAN
CHAUDHARY R/O VILLAGE- DAULATGANJ, P.S- BHAGWAN BAZAR,
DISTT.- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.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 Bhagwan Bazar P.S. Case No. 191 of 2023 for the offence registered under sections 30 (a) of the Bihar prohibition and Excise (Amendment) Act, 2018 lodged on 13.05.2023 by the informant Kamlesh Singh.

As per the prosecution story, the police intercepted a motorcycle and recovered 45 liters country made liquor. The motorcycle rider managed to escape. As the motorcycle belongs to this petitioner, accordingly, the FIR.

It is the case of the petitioner that nothing has been recovered from his conscious possession, on a parked



motorcycle the alleged recovery has been shown. He is a labour and worked as Handcart puller but has been dragged in this case ruining his future. He further submits that irrespective of the outcome of the present case, he is ready to pay Rs. 5,000/- to the Patna High Court Legal Services Committee.

Learned APP opposes the prayer for bail stating that the motorcycle belongs to him.

Considering the submissions put forward by the learned counsel for the parties, the petitioner do not have criminal antecedent, he is a labour, FIR lodged and he will be facing 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 Additional District and Sessions Judge 2nd cum Special Judge Excise 1st, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 191 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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