

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59714 of 2023

Arising Out of PS. Case No.-118 Year-2023 Thana- SAHAR District- Bhojpur

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Mukesh Chaudhary @ Mukesh Kumar Son Of Jodha Chaudhary Resident Of
Village - Baruhi, Police Station - Sahar In The District Of Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Sahar P.S. Case No. 118 of 2023 instituted under under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 21.7.2023 by the informant, Priyasheela

3. As per the prosecution story, the police intercepted two motorcycles and recovered/seized 30 liters of country made liquor. The accused persons managed to escape but the 'Chowkidar' named, the petitioner being one of them.

4. Thereafter, the house of one Jalim Choudhary was raided and 10 liters of wine was also recovered/seized. Accordingly, the FIR.

5. Learned counsel for the petitioner submits that neither the motorcycles belong to him nor anything has been



recovered from his conscious possession, the 'Chowkidar' due to enmity has named him and further he do not have criminal antecedent and without accepting the allegation, the petitioner intends to deposit Rs. 5000/- to the Patna High Court Legal Services Committee.

6. Learned APP opposes the prayer.

7. Taking into account the aforesaid submission put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 5000/- to the Patna High Court Legal Services Committee.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Sahar P.S. Case No. 118 of 2023 to the satisfaction of learned Exclusive Special Excise Court No.2, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

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

(Rajiv Roy, J)

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