

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63558 of 2023

Arising Out of PS. Case No.-361 Year-2023 Thana- BARH District- Patna

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Pujeri Choudhary @ Salchand @ Salchand Choudhary Son Of Late Lakhan Choudhary Resident Of Village- Agawanpur, Wrongly Mentioned In The Fir Of Village Purai Bagh, Ps- Barh, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 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 Barh P.S. Case No.361 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, allegedly 15 liters of country made *mahua* wine and 700 liters of semi-formed *mahua* wine was recovered from the house of all the accused persons including this petitioner.

4. Learned counsel for the petitioner submits that this petitioner belongs to village-Agawanpur but has been wrongly



described in the FIR and in the seizure list as that of village-Puraibagh and this has been done to falsely implicate him in the present case. Learned counsel submits that the recovery is not from the house of the petitioner.

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

6. Having regard to the submission that this petitioner belongs to village-Agawanpur but has been wrongly described in the FIR and in the seizure list as that of village-Puraibagh and this has been done to falsely implicate him in the present case and the recovery is not from the house of the petitioner, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Barh, District-Patna in connection with Barh P.S. Case No. 361 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that before acceptance of bail bond, the learned court below shall get the verification of the address of the petitioner done through the I.O. and only upon



finding that he is a resident of village-Agwanpur the bail bond of the petitioner shall be accepted.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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