

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65883 of 2023

Arising Out of PS. Case No.-116 Year-2021 Thana- DINARA District- Rohtas

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Brijesh Chaudhary @ Yugesh Chaudhary, Son of Gupteshwar Chaudhary,
Resident of Village- Sundarban, P.S.- Dinara, District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Tiwari, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 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 Dinara P.S. Case No. 116 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 02.07.2021 at about 09:30 P.M. when the informant along with police party reached near the village Jamodh, he received a secret information that three persons are bringing liquor from Sakhua village on a motorcycle. It is alleged that three persons were seen coming on motorcycle from Sakhua village who on seeing the policy, managed to escape due to dark night. The Chaukidar had identified them as Brijesh Chaudhary (this petitioner),

Raunak Singh and Mithilesh Singh in torch light. It is submitted that from the motorcycle bearing Registration No. BR24 AD 3335, 11.7 liter of foreign liquor was recovered and a seizure list was prepared in presence of raiding party due to non-presence of any independent witness.

4. Learned counsel for the petitioner submits that the petitioner has been identified by the Chaukidar in the torch light and nothing has been recovered from his conscious possession.

5. Learned counsel submits that the co-accused, namely, Raunak Singh @ Punit Singha has been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 21927 of 2022 (Annexure '2').

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Having regard to the facts and circumstances of the case wherein it is stated that there were three persons on the motorcycle who fled away taking advantage of the dark night and then they are said to have been identified in torch light, there being no recovery from the conscious possession of the petitioner and the fact that co-accused, namely, Raunak Singh @ Punit Singh has been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 21927 of 2022 (Annexure '2') and

the petitioner has got no criminal antecedent, in the circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Dinara P.S. Case No. 116 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Rohtas at Sasaram, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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 steps 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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