

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68470 of 2023**

Arising Out of PS. Case No.-151 Year-2023 Thana- NAUTAN District- Siwan

Dharmendra Chauhan Son Of Late Raghu Chauhan @ Raghunath Chauhan  
Resident Of Village - Chitmath, P.S.- Mairwa, Distt- Siwan

... .. Petitioner

Versus

The State of Bihar .

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Chandra Shekhar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      01-11-2023                      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 Nautan P.S. Case No. 151 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has got one criminal antecedent in which he is on bail.

3. As per the prosecution story, the informant who is Sub-Inspector of Police got secret information that this petitioner and one other co-accused are coming with huge quantity of liquors in a Bolero from Uttar Pradesh. Upon such information, informant started searching the vehicles and on seeing the police, petitioner and the other accused person fled away leaving the vehicle. On recovery of the vehicle, total 648 litres illicit liquor was recovered.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant claims to have identified the petitioner in torch light which is highly improbable. It is further submitted that the petitioner has no concern either with the alleged liquor or with the vehicle from which the liquor was recovered.

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

6. Having regard to the facts and circumstances of the case wherein the Sub-Inspector of Police is the informant of the case, the alleged identification of the petitioner is said to have been done while he was fleeing away leaving the vehicle and it was in the torch light, the seizure list witnesses are only the members of the police party and the petitioner claims that he has no concern with the vehicle in question, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Nautan P.S. Case No. 151 of 2023 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 Court No.- 2,



Siwan, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

**(Rajeev Ranjan Prasad, J)**

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