

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65695 of 2023

Arising Out of PS. Case No.-88 Year-2023 Thana- RUDRAPUR District- Madhubani

KESHAV KUMAR CHAUDHARY @ SONU CHAUDHARY S/O SHRI
JAGANNATH CHAUDHARY RESIDENT OF VILLAGE- NANAU, P.S-
RUDRAPUR, DISTRICT-MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-12-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Rudrapur P.S. Case No. 88 of 2023 for the offence registered under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act lodged on 06.07.2023 by the informant, Kanhaiya Kumar Yadav.

3. As per the prosecution story, the police patrolling party upon information about the petitioner and one Sonu Choudhary engaged in selling of liquor, raided the place and allegation is that from the house 22 bottles of 750 ml Officers Choice Whiskey totalling 16.500 ml were recovered as also 24 bottles of 375 ml Officers Choice Whiskey toalling 9 litres



recovered. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that it is an open place, in any case, it is a joint house and as such, the same cannot be attributed to him, nothing has been recovered from his conscious possession.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Considering the aforesaid fact as also that the recovery is from an open place, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Special Judge, Excise Act, Jhanjharpur in connection with Rudrapur P.S. Case No. 88 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 fortnight for next six months 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;

8. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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