

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65819 of 2023

Arising Out of PS. Case No.-297 Year-2023 Thana- RAJAOLI District- Nawada

SHANKAR CHAUDHARY SON OF KOLESHWAR CHAUDHARY
RESIDENT OF VILLAGE - DIH RAJOULI, P.S. - RAJOULI, DISTRICT -
NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-12-2023 Heard the parties.

2. The petitioner is apprehending arrest in connection with Rajouli P.S. Case No. 297 of 2023 instituted under Section 30(a) and 41 Bihar Prohibition and Excise Act, lodged on 15.05.2023 by the informant, Xavier Lakda.

3. As per the prosecution story, the police upon information raided the place/house of Mina Devi and there was recovery of 10 liters Mahua, thereafter, Mina Devi was arrested. Further, from the house of this petitioner 35 liters of Mahua recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he was not present in the house, it was searched in his absence and the police implicated him. In any case, it is a joint house and



recovery is not from his conscious possession.

5. Learned APP opposes the prayer.

6. Taking into account the submissions put forward by the parties as also that he does not have any criminal antecedent and the FIR is lodged against him ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. 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 Rajouli P.S. Case No. 297 of 2023 to the satisfaction of learned Exclusive Special Excise Court-2, Nawada 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)

Adnan/-

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