

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68395 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- HASPURA District- Aurangabad

Arjun Choudhary, Son Of Kanhai Choudhary, Resident of Village
Amjharsharif @ Amjhar, PS Haspura, District Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Pandey, 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 Haspura P.S. Case No. 220 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, on 04.08.2023 at about 12:18 P.M., the informant along with other police personnel on secret informant reached in the village Amjharsharif where they saw that one person is selling liquor, thereafter, the police party apprehended him and he disclosed his name as Kanhai Choudhary as also disclosed that his son, namely, Arjun Choudhary (this petitioner) is also involved in liquor business. On search of his house, 15 liters of mahua



liquor was recovered from one room and 15 liters of mahua liquor was recovered from another room.

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 petitioner was not present when the alleged recovery was made and the father of the petitioner has already been arrested by the police on the spot.

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

6. Having regard to the fact that the petitioner was not present in the house when the alleged seizure was made and father of the petitioner was allegedly involved in selling the illicit liquor who has already been arrested by police, this petitioner has otherwise no criminal antecedent, hence, 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 Haspura P.S. Case No. 220 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-II, Aurangabad, 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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