

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1179 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- SAHPUR District- Bhojpur

=====

BIRENDRA CHAUDHARY @ VIRENDRA CHOUDHARI S/O LATE
JANKI CHOUDHARI Resident of village- Dumariya, P.S.- Shahpur, District-
Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar,Advocate
For the Opposite Party/s : Mr.Mritunjay Kumar Nirala,APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Shahpur P.S. Case No. 403 of 2022 for the offence
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per the prosecution story, the police upon
information, raided the house of the petitioner who managed to
escape and 15 litres of country made liquor was recovered.
Accordingly, seizure list prepared and FIR was lodged.

Learned counsel for the petitioner submits that it is a
joint house, nothing has been recovered from his conscious
possession and is ready to abide by all the terms and conditions.



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

Considering the aforesaid facts that nothing has been recovered from his conscious possession nor he has criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

If however, it is found that the petitioner has criminal antecedent, the bail order shall become infructuous.

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 Exclusive Special Judge Excise, Excise Court No. II, Bhojpur, Ara in connection with Shahpur P.S. Case No. 403 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(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 one year 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;

(vi) the petitioner shall co-operate in the investigation and made himself available to the police as and when required.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

