

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75162 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- CHAKAND District- Gaya

Sanjay Kumar Son Of Hanna Chaudhary R/V- Chaudhary Chowk Narhat, P.S-
Narhat, Dist-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithivi Raj Singh, Adv
For the Opposite Party/s : Mr.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection with Chakand P.S. Case No. 115 of 2021 for the offence registered under sections 30(a) of the Bihar Prohibition & Excise Act 2018.

As per the prosecution story, the police upon patrolling intercepted a motorcycle and upon search 40 liters counter made Mahua liquor was/were recovered/ seized. The petitioner being owner of the Motorcycle, his name comes in the FIR . Accordingly, the FIR has been lodged.

The defence of the petitioner is that:

(i) as per FIR, the recovery is of forty liters country made Mahua wine from the motorcycle of the petitioner;

(ii) the petitioner is resident of Nawada district.



He had come to his sister's house in village Channa Chhatu Badh under Gaya district where one of the villager took the said motorcycle which was seized by the police with illegal liquor. The petitioner had no concern on that liquor.

(iii) the seized article was not sent to the chemical analysis in the Forensic Science Laboratory and without the FSL report, it cannot be said that the seized article was wine.

Learned APP opposes the prayer for bail of the petitioner.

Taking into account the fact that the petitioner does not have criminal antecedent, the recovery is of 40 liters country made Mahua liquor and according to him, his vehicle was taken away by the family members of his sister, he does not have criminal antecedent, this court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise-I Gaya in connection with Chakand P.S. Case No.115 of 2021, subject to the conditions 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/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;

(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.

N.K/-

(Rajiv Roy, J)

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