

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74195 of 2022

Arising Out of PS. Case No.-569 Year-2022 Thana- DHAKA District- East Champaran

Bhagwan Chaudhary @ Shri Bhagwan Chaudhary Son Of Late Gauri
Chaudhary R/O Village- Fulwariya, P.S.- Dhaka, District- East Champaran
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

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

learned APP for the State through virtual mode in view of

COVID-19.

The petitioner apprehends his arrest in connection
with Dhaka P.S. Case No.569 of 2022 instituted under Section
30(A)/41(1) of the Bihar Excise Act, 2018.

As per the prosecution story, the police upon
information reached the hut of the petitioner and during search,
420 bottles containing 126 liter Nepali wine was/were
recovered/seized. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the hut
in question is not used by him. Further, it is situated on the side
of PCC Road which is lonely place from where the alleged wine
in question was recovered. The petitioner was not arrested at the
spot and nothing was recovered from his conscious possession



rather the recovery was made from a hut situated beside the PCC road as it appears from the seizure list.

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

Taking into account the fact that the recovery is from the hut which according to the petitioner is not used by him rather the same remains abandoned, he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Dhaka P.S. Case No.569 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran at Motihari, subject to the conditions 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/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;



(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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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