

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.178 of 2023**

Arising Out of PS. Case No.-413 Year-2022 Thana- BARUN District- Aurangabad

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GANESH CHAUDHARY @ AJIT KUMAR SON OF FAKIRCHAND  
CHAUDHARY R/O VILLAGE- MOHANGANJ, P.S.- BARUN, DISTRICT-  
AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pramendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh. APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

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

The petitioner apprehends his arrest in connection  
with Barun P.S. Case No. 413 of 2022 instituted under Sections  
30(a) of the Bihar Prohibition and Excise Amendment Act,  
2018.

As per the prosecution story, near the 'Diyara' of the  
river, on a motorcycle, 150 litre mahua was/were  
recovered/seized.

Accordingly, the FIR.

Learned counsel for the petitioner submits that he  
does not own that motorcycle and the recovery is from an open  
place and only due to enmity, his name has come and as such, he



cannot be implicated in this case.

Learned APP on the other hand opposes the prayer of bail.

Taking into account all the aforesaid facts as also that he do not have criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail.

If however, it is found that he do have criminal antecedent, the bail order shall become infructuous.

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) each with two sureties of the like amount each in connection with Barun P.S. Case No. 413 of 2022 to the satisfaction of learned Special Judge, Excise-01, Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and 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 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 one year 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)**

Ajay Singh/-

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