

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.389 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- BALRAMPUR District- Katihar

YUVRAJ CHAUDHARY @ YUVRAJ SINGH Son of Mangal Chaudhary @
Mangalu Chaudhary Resident of Village - Mithapur, P.S.- Barsoi, Sudhani
O.P., District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar, Adv.
For the Opposite Party/s : Mrs.Asha Devi, APP

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 Balrampur P.S. Case No. 170 of 2022 instituted under
Sections 30(a) of Bihar Prohibition and Excise Amendment
Act, 2016.

As per the prosecution story, on secret information,
the police intercepted a motorcycle and recovered/seized 7.8
litre foreign liquor, 6 litre country made wine were
recovered/seized and Birendra Chaudhary was apprehended.

Accordingly, the FIR.

Learned counsel for the petitioner submits that
although he owns the motorcycle, it was taken by his younger



brother Birendra Chaudhary for purchasing medicine for his daughter and little did he realise that the same will be used for carrying liquor.

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

Taking into account all the aforesaid facts as also the fact 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 Balrampur P.S. Case No. 170 of 2022 to the satisfaction of learned Exclusive Special Judge, Excise Court No.-1, Katihar, 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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