

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.149 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- GORIAKOTHI District- Siwan

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Tuna @ Ravi Ranjan Chaudhary @ Tona S/O Ravindra Chaudhary R/O
Village- Ladhi, P.S.- Goryakothi, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Adv
For the Opposite Party/s : Mr. Arun Kumar, APP

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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 Goryakothi P.S. Case No. 89 of 2022 for the offence
registered under sections 30 (a) of the Bihar Prohibition &
Excise Act 2016.

As per the prosecution story, the police upon
secret information moved behind the back of the shop of
petitioner, although one person managed to escape, the locals
named the petitioner and further, upon search under bricks, 5.5
liters of Beer and 4.5 of Foreign liquor was/ were recovered/
seized.

Learned counsel for the petitioner submits that
nothing has been recovered from the conscious possession of



the petitioner and the recovery is from the backside of the shop of the petitioner which is an open place further, the liquor does not belong to the petitioner. There is nothing on the record to show that the petitioner was involved in selling, or manufacturing of illicit liquor.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that petitioner do not have criminal antecedent, the recovery is from an open place behind the shop of the petitioner, this court is inclined to extend him privilege of anticipatory bail with conditions.

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 court-II, & Sessions Judge, Siwan in connection with Goryakothi P.S. Case No. 89 of 2022, 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/her 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.

(Rajiv Roy, J)

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