

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29170 of 2024

Arising Out of PS. Case No.-234 Year-2023 Thana- BENIPATTI District- Madhubani

Sonu Chaudhary, Son Of Jata Shankar Chaudhary Resident Of Village-
Gamahariya, Ps- Benipatti, Dist- Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
Mr. Vinod Kumar
Mr. Ravi Prakash

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-04-2024 1. Heard learned counsel for the petitioner and

learned APP for the State.
2. The petitioner seeks bail in anticipation of his

arrest in a case registered for the offences punishable under

Sections 272, 273 and 34 of the I.P.C. and Section 30(a) of

the Excise Act.
3. The learned counsel for the petitioner submits that

the petitioner has antecedent of one case and the allegation is

of recovery of 2.25 litres of liquor from the house of

Jatashankar Chaudhary.
4. The learned counsel for the petitioner submits that

petitioner was not arrested from the spot, as such, nothing was



recovered from his conscious possession and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with and he came to be implicated based on the fact that he is son of Jatashankar Chaudhary, who was apprehended and disclosed the name of the petitioner. It is next submitted that confessional statement in police custody, which does not have any evidentiary value.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with Benipatti P. S. Case No.234 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the



criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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