

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32380 of 2024

Arising Out of PS. Case No.-555 Year-2023 Thana- BARH District- Patna

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Mithun Chaudhary son of Chandi Chaudhary Village- Agwanpur, P.S.- Barh,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Meena Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 01-05-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Barh P.S. Case No.555 of 2023.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of seven cases and allegation is of
recovery of 40 liters of liquor from a hut near field of Vikram
Chaudhary.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious



possession and even alleged recovery is from a place which does not belong to the petitioner and he came to be implicated at the instance of local person. It is also submitted that if the local person was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution. It is also submitted that it appears that the local person in order to save the real culprits falsely implicated the petitioner, taking advantage of his antecedents.

5. The learned APP for the State opposes the anticipatory 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.35,000 /- (Rupees Thirty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Barh, Patna in connection with Barh P.S. Case No.555 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is further made clear that the learned trial court



shall also verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than seven cases, then also the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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