

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33862 of 2024

Arising Out of PS. Case No.-568 Year-2023 Thana- NARHATT District- Nawada

Kuldip Chaudhary @ Kuldip Choudhari son of Shree Chandra Chaudhary
Resident of Village- Punaul, P.S.-Narhat, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manmohan Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2024

Heard the parties.

2. The petitioner apprehends his arrest in connection with Narhat P.S. Case No. 568 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 25.11.2023 by the informant, Shashi Kumar.

3. As per the prosecution story, the informant raided the place of the petitioner and from the backyard of the house there was recovery of deceased 60 litres of mahua. The house of Dharmendra Rajbanshi, Arbind Rajbanshi and Ramanand Rajbanshi were also raided and recovery from there places have been shown to be 40 litres, 80 litres and 40 litres respectively of mahua. Accordingly, the F.I.R.

4. Learned counsel submits that the recovery



allegedly made from the backyard of the petitioner, an open place, nothing to do with him and only because he has criminal antecedent, implicated.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the recovery i.e. from the open place, F.I.R. lodged will be facing the trial, this Court is inclined to extend the privilege of anticipatory bail with conditions.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Nawada in connection with Narhat P.S. Case No. 568 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/ relative of the petitioner who shall provide official document to show their 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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 his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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