

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36493 of 2024

Arising Out of PS. Case No.-59 Year-2022 Thana- RAJPUR District- Rohtas

Ram Awadhesh Chaudhary, Son Of Late Jokhan Choudhary Village- Dhawa,
Ps- Baghaila, Dist- Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subash Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-06-2024 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
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
allegation is of recovery of 30.99 litres of liquor from a
motorcycle.

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 being owner of the
motorcycle, he came to be implicated. It is further submitted
that no prudent person would use his own vehicle for



committing a crime and thus, would create evidence against himself and hence, would get implicated. It is next submitted that petitioner was completely aware that Gautam would misuse the vehicle in the manner as alleged, who was also apprehended from the spot along with Mithilesh Kumar.

5. Learned A.P.P. Sri Rabindra Kumar 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 ten weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2-cum- Additional District & Sessions Judge, Rohtas at Sasaram in connection with Rajpur P. S. Case No.59 of 2022, 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 even one case, in that



event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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