

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40307 of 2024

Arising Out of PS. Case No.-377 Year-2023 Thana- MANJHI District- Saran

Surendra Chaudhari @ Surendra Choudhary S/O Mahesh Choudhary R/O
Village Mahammadpur, Mathanpura Sonapur, P.S. Manjhi, Distt-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bharti Rai, Advocate

For the Opposite Party/s : Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Manjhi P.S. Case No. 377/2023 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 31.12.2023 by the informant, Ramjee Yadav.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information about selling of illicit liquor, two persons were apprehended while one escaped. 50 liters of country made liquor recovered/seized. Those arrested gave the name of this petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly nothing has been recovered from his possession, do not have criminal antecedent and due to enmity his name has come in the case.



5. Learned APP opposes the prayer submitting that those arrested named him.

6. Taking into account the submission put forward by the learned counsel for the petitioner as also the fact that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Manjhi P.S. Case No. 377/2023 to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 co-operate in the investigation and make himself available to the police as and when required;

(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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