

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39847 of 2024

Arising Out of PS. Case No.-171 Year-2024 Thana- PAKARIBARAW District- Nawada

1. Shyam Sundar Chaudhary S/O RAMJEE CHOUDHARY Resident of village Thalpos, P.S. - Pakribrawan, District Nawada
2. CHINTA DEVI W/O LATE KISHORI CHAUDHARY Resident of village Thalpos, P.S. - Pakribrawan, District Nawada
3. DINESH CHAUDHARY S/O RAMJEE CHAUDHARY Resident of village Thalpos, P.S. - Pakribrawan, District Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Pakribrawan P.S. Case No. 171 of 2024 for the offence registered under sections 30(a) and 30(d) of the Excise Act lodged on 04.04.2024 by the informant, Manish Kumar.

3. As per the prosecution story, the informant alleged that while conducting raid in the Choudhary Tola, there was recovery of 57 litres of illicit liquor and from an open place beside 800 litres of sweet Mahua. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that a



perusal of the F.I.R. would show that the recovery/seizure is from an open place. Further, submission is that none of the petitioner is having criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the locals gave the name.

6. Taking into account the aforesaid facts, allegation as also the submission and there is no criminal history of the petitioners, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners 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-I, Nawada in connection with Pakribrawan P.S. Case No. 171 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners 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 their bail bonds;

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

(Rajiv Roy, J)

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