

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40146 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- GOVINDPUR District- Nawada

Gopi Chaudhary S/O Late Rajo Chaudhary VILLAGE- GOVINDPUR DIH,
P.S.- GOVINDPUR, DIST- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard Mr. Deepak Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Govindpur P.S. Case No. 42 of 2024 for the offence under Sections 30(d)/41 of the Bihar Prohibition and Excise Act lodged on 26.02.2024 by the informant, Subodh Kumar Paswan.

3. As per the prosecution story, the informant alleged that upon secret information, the bank of Sakri River was raided and the accused persons were found manufacturing '*mahua*' liquor, they escaped, thereafter 1500 liters of Mahua-Jeggary solution recovered/seized and FIR lodged.

4. The case of the petitioner is that the recovery/seizure is from an open place, he has nothing to do



with it and due to local enmity, he has been named. Further submission is that he do not have criminal antecedent and the last submission is that without accepting the allegation, the petitioner intends to deposit Rs. 5,000/- with the Patna High Court Legal Services Committee.

5. Learned APP opposes the prayer submitting that his name has come in the FIR itself.

6. Taking into account the aforesaid facts and also that he do not have criminal antecedent and the recovery/seizure is from an open place, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be deposited with the Patna High Court Legal Services Committee.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Nawada in connection with Govindpur P.S. Case No. 42 of 2024 subject to the conditions 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 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 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;

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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