

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42121 of 2024**

Arising Out of PS. Case No.-634 Year-2023 Thana- WAJIRGANJ District- Gaya

LALAN CHAUDHARY SON OF BAGAR CHAUDHARY VILLAGE-
PRANPUR, P.S.- WAZIRGANJ, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramashish Singh, Advocate
For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Wazirganj P.S. Case No. 634 of 2023 instituted under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018 lodged on 22.10.2023 by the informant, Bhaiya Lal Soran.

3. As per the prosecution story, the informant alleged that during patrolling upon information about the petitioner indulged in the liquor business, the place was searched and from the husk, 10 liters of country made liquor recovered/seized. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, recovery is from the husk and not from the house of the petitioner, do not have criminal antecedent and due to



village enmity, he has been implicated.

5. Learned APP opposes the prayer.

6. Taking into account the fact that the recovery is from an open place, he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail. If, however, it is found that the petitioner has criminal antecedent, the order shall become infructuous.

8. 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 Wazirganj P.S. Case No. 634 of 2023 to the satisfaction of learned Exclusive Special Excise Court No.V, Gaya, 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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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)

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