

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45902 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- MANJHI District- Saran

PINTU CHAUDHARY @ DHELA CHAUDHARY @ PINTU KUMAR
CHAUDHARY SON OF LATE DHARMNATH CHAUDHARY VILLAGE-
GHORHAT, P.S.- MANJHI, DISTT.- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-07-2024 Heard Mr. Bishwajeet Singh, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Manjhi P.S. Case No. 113 of 2024 for the offence punishable under sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 09.04.2024 by the informant, Nasim Khan.

3. As per the prosecution story, the informant alleged that on secret information that this petitioner has brought liquor, reached the 'godown' and recovered/seized 400 liters country made liquor kept in 20 polythene pouches of 20 liters each. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery has been shown from a 'godown' which is an open place, he has nothing to do with it and only because of criminal antecedent, in every such cases, the police tries to implicate



him.

5. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the District Legal Services Authority, Saran at Chapra (exclusively for the purchase of the journals).

6. Learned APP opposes the prayer submitting that this petitioner has criminal antecedent.

7. Though the petitioner has criminal antecedent, the recovery/seizure is from a 'godown', not from his conscious possession, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, Saran at Chhapra as undertaken by the learned counsel for the petitioner exclusively for the purchase of journals and receipts have to be submitted to the Court.

8. 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 2nd Exclusive Special Excise Judge, Saran, Chapra, in connection with Manjhi P.S. Case No. 113 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)

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