

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45941 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- DEODHA District- Madhubani

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Braj Kishore Chaudhary @ Brajkishore Chaudhary Son of Rajendra Chaudhary Resident of Vill- Malmal South, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioner as well as learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 272, 273 and 34 of the IPC and 30(a) of the Bihar Prohibition and Excise Act in connection with Deodha P.S. Case No.27 of 2024.

3. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 486 liters of liquor from five motorcycles.

4. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and he came to be implicated based on the fact that he is owner of one of the seized vehicle. It is next submitted that



no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that Pankaj would misuse the vehicle in the manner as alleged who was also apprehended from the spot.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.5000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Deodha P.S. Case No.27 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than one case, in



that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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