

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51492 of 2024

Arising Out of PS. Case No.-248 Year-2024 Thana- ARA NAWADA District- Bhojpur

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VISHAL KUMAR SON OF KAUSHAL CHOUDHARY @ SIDESHWAR
CHOUDHARY R/O-MOHALLA- EKATA NAGAR BIHARI MILL,
PASHIKHANA ANAITH PS- ARA NAWADA DISTRICT BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Adv.
For the Opposite Party/s : Mr.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Ara Nawada P.S. Case No. 248 of 2024 for the offence registered under sections 30(a) of Bihar Prohibition Excise Act, lodged on 07.04.2024 by the informant Chandeshwar Kumar.

3. As per the prosecution story, the informant alleged that upon secret information, it reached the house of the petitioner and recovered 7.50 liter Kingfisher beer kept in the white plastic bag. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he is a student, 20 years old having no criminal antecedent, it is a joint house and as such how the recovery/seizure has been attributed to him, he fails to understand. The further submission



is that if granted opportunity, he shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the house of the petitioner was raided.

6. In the considered opinion of the Court, the house belongs to the petitioner's father, petitioner is 20 years old, have no criminal antecedent, how the police has attributed the allegation to this petitioner when it is a joint house. In any case, considering the age of the petitioner, putting him with the hardened criminals in the jail will not be beneficial, he do not have criminal antecedent and he is a student, this Court is inclined to grant him the anticipatory bail with conditions.

7. Anything recorded in the present petition will not be taken up at any stage as the same has been recorded only for grant of relief to the petitioner herein.

8. Let the petitioner 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 No. 1, Bhojpur at Ara in connection with Ara



Nawada P.S. Case No. 248 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 petitioner, who shall provide official document to show his *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 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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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