

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49402 of 2024**

Arising Out of PS. Case No.-193 Year-2024 Thana- CHANDAUTI District- Gaya

Akhilesh Chaudhary @ Aru Chaudhary @ Akhilesh Kumar Son of Late  
Ganauri Chaudhary @ Late Ganaur Chaudhary Resident of Village - Channa,  
P.S.- Chandauti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar, Advocate  
For the State : Mr. Pronoti Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      14-08-2024                      Heard the parties.

2. The petitioner is apprehending his arrest in connection with Chandauli P.S. Case No. 193 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 26.05.2024 by the informant, Bhagirath Paswan.

3. As per the prosecution story, the informant alleged that upon confidential information they reached near the house of the petitioner and saw one person escaped. The locals gave his name and upon search, 48 liters country made mahua liquor recovered from his house. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that merely to implicate him, the recover has been shown. In any case, it is the joint house, nothing has been recovered from his



conscious possession and he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that recovery is from his house.

6. Considering the submissions made by the parties as also that there is no recovery from his conscious possession rather from a joint house, he do not have criminal antecedent, F.I.R lodged, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. However, in case it is found that the petitioner is having criminal antecedent the order shall become infructuous.

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) with two sureties of like amount each to the satisfaction of learned Additional District Judge-cum-Exclusive Excise Court No.4, Gaya, in connection with Chandauli P.S. Case No. 193 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also with following 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;

(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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