

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51480 of 2024

Arising Out of PS. Case No.-64 Year-2024 Thana- Excise P.S. District- Siwan

Sanjay Chauhan Son of Late Ishwar Chauhan Village- Bhagwanpur, P.S.-
Raghunathpur, Dist.- Siwan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Adv.

For the Opposite Party/s Mr. Mukesh Kumar Singh, APP

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 Excise P.S. Raghunathpur Case No. 64 of 2024 for the offence registered under section 30(a) and 45 of Bihar Prohibition and Excise Act, 2016 (as amended 2022) lodged on 28.05.2024 by the informant Sunil Kumar Yadav.

3. As per the prosecution story, the informant alleged that upon secret information that the accused persons are selling illicit country made liquor, proceeded and apprehended amongst other this petitioner and there is recovery of 9 liter country made liquor from him. The other recovery is/are 6 liter from Anjay Chouhan and further 101 liter from a washroom which is alleged to have been in the physical possession of this petitioner.



It is further allegation that meanwhile the locals came ensured release of the accused persons including this petitioner. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that only on the basis of secret information, the alleged recovery of 9 liter has been shown from his possession. The washroom from which recovery is made is a common place accessible to all and again to implicate him, it has been recorded that it is in the possession of the petitioner. He submits that contrary to the allegation, he was not present at the spot but has been incorporated in the FIR. The last submission is that he do not have criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that not only there is recovery from him, he also got himself released with the help of the locals.

6. Considering the aforesaid facts as also the nature of recovery, the petitioner do not have criminal antecedent and has undertaken to diligently appear in trial, this Court is inclined to grant him the anticipatory bail with conditions.

7. 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 in connection with Excise P.S. Raghunathpur Case No. 64 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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