

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55696 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- BALIYA District- Begusarai

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Rohit Choudhary @ Rohit Chaudhary Son Of Late Parmeshwar Chaudhary @
Late Mahendra Chaudhary R/V-Village- Mirsikar Tola, Police Station- Balia,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Prasad, Advocate

For the State : Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Balia P.S. Case No. 103 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 25.03.2024 by the informant, Mahamaya Prasad.

3. As per the prosecution story, the informant alleged that upon confidential information, several houses were searched and recovery/seizure of toddy made. So far as this petitioner is concerned, allegation is recovery of 150 liters of toddy. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent and the police, to implicate has named him, in any case recovery is from a joint house and not



from his conscious possession.

5. Learned APP opposes the prayer submitting that number of houses were raided and recovery/seizure made.

6. Taking into account the aforesaid submissions as also the recovery is from a joint house, the petitioner do not have criminal antecedent F.I.R. and he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Exclusive Special Excise Court-2/concerned court, Begusarai, in connection with Balia P.S. Case No. 103 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the 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/her 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/her bail bonds.

(Rajiv Roy, J)

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