

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60872 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- PIRO District- Bhojpur

Bhola Chaudhary Son of Late Hari Chaudhary @ Hari Chaudhari Village -
Ganga Tola, P.S. - Piro, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Piro P.S. Case No. 319 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition & Excise Act lodged on 25.07.2024 by the informant, Rajesh Kumar.

3. As per the prosecution story, the informant alleged that upon information, when he reached the place, found accused trying to escape. The local chowkidar gave the name of this petitioner and near the house, there was recovery of 60 liters country-made *mahua*. Accordingly the FIR.

4. Learned counsel for the petitioner submits that the recovery is from near the house from a hut which cannot be attributed to him as it is an open place. Further, he do not have criminal antecedent.



5. Learned APP opposes the prayer submitting that the chowkidar has named him.

6. Considering the aforesaid facts as also that neither the recovery is from his conscious possession nor the petitioner have any criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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) each with two sureties of like amount each to the satisfaction of learned Special Excise Judge, Excise Court No. II, Bhojpur, Ara in connection with Piro P.S. Case No. 319 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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)

Adnan/-

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