

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62165 of 2024

Arising Out of PS. Case No.-216 Year-2024 Thana- WARISLIGANJ District- Nawada

Sachin Chaudhary Son of Krishna Chaudhary R/o Village- Mohiuddinpur,
P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act in connection with Warsaliganj P.S. Case No.216 of 2024.

3. The learned counsel for the petitioner submits that inadvertently at para-3 it has been pleaded that petitioner is a person with clean antecedent when he has antecedent of ten cases. It is further submitted that out of ten cases petitioner has been acquitted in six cases, as such as of date only four cases are pending against the petitioner. It is next submitted that at the time of surrender the petitioner will furnish the copy of the orders/judgement of acquittal in six cases.



4. It is next submitted that allegation is of recovery of 30 liters of liquor from a public toilet.

5. It is next submitted that petitioner was not arrested from the spot as such nothing was recovered from his conscious possession and even alleged recovery is from a place which is accessible to public at large and does not belong to the petitioner and he came to be implicated at the instance of Chowkidar. It is next submitted police in majority of the cases implicates either at the instance of the 'Chowkidar', local person, secret information or confessional statement in a mechanical manner without holding proper investigation.

6. The learned APP for the State opposes the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada in connection with Warsaliganj P.S. Case No.216 of 2024, subject to the conditions laid down under Section 438(2)



of the Cr.P.C.

8. However, it is made clear that petitioner at the time surrender will submit copy of the judgement of acquittal in six cases and the learned trial court thereafter shall verify the criminal antecedents of the petitioner and in the event, if it is found that petitioner has antecedent of more than four cases (excluding the six acquittal cases), in that event the present anticipatory bail order shall not be given effect to.

9. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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