

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65750 of 2024

Arising Out of PS. Case No.-320 Year-2024 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Prem Choudhary @ Prem Kumar Chaudhary Son of Late Ramchander
Chaudhary Resident of Village- Rajmahla, Ward No. 8, PS- Muffasil, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 10-09-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases.
4. Allegation is of recovery of 2 litres of liquor from the
road side.
5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the alleged
recovery is from a place which does not belong to the petitioner and
is accessible to public at large. It is further submitted that petitioner
came to be implicated at the instance of the local people but then it is



submitted that once a person is implicated in a case relating to excise, the police start implicating mechanically either at the instance of the Chawkidar, local people, secret information or confessional statement in a mechanical manner without holding proper investigation of the case.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mufassil P.S. Case No. 320 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of more than four cases in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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