

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68801 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- NAVINAGAR District- Aurangabad

Dhurup Chauhan @ Dhruv Chauhan Son of Vinay Chauhan Resident of
village -Mahuari (Bandh), P.S -Nabinagar, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2024 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
Sections 30(a), 30(c) of the Bihar Prohibition and Excise Act in
connection with Nabinagar P.S. Case No.143 of 2024.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and allegation is of
recovery of 12 liters of liquor along with 8000 liters of
fermented Jawa Mahua from a place near place of Sone river.

4. 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
does not belong to the petitioner and is accessible to public at
large and he came to be implicated at the instance of Chowkidar,



but then it is submitted that it absolutely does not stand to reason that if Chowkidar was aware of the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of instant FIR, which casts an aspersion on the case of the prosecution. It is also submitted that police in majority of the case implicates either at the instance of the Chowkidar, local person, secret information or confessional statement in a mechanical manner without holding a proper investigation. It is also submitted that once a person is implicated in a case relating to excise, in that event the police starts implicating mechanically.

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

6. 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.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise-01, Aurangabad in connection with Nabinagar P.S. Case No.143 of 2024, subject to the conditions laid down under Section 438(2)



of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than two cases, in that event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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