

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78132 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- KASMA District- Aurangabad

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Anil Chaudhary @ Amit Kumar S/O Shiv Chaudhary R/O Village- Pir Bigha,
P.S- Salaiya, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary,Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-11-2024 Heard Mr. Vishwa Ranjan Choudhary, learned
counsel for the petitioner and Mr. Nitya Nand Tiwary, learned
APP.

2. The petitioner is in judicial custody in connection
with Kasma P.S. Case No. 155 of 2024 for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, lodged on 05.09.2024 by the informant, Navin
Kumar.

3. As per the prosecution story, the informant alleged
that it intercepted a motorcycle, though it tried to escape, the
same was apprehended and there is recovery/seizure of 50 litres
of country made Mahua from a sack loaded on the motorcycle
of this petitioner while 10 litres from Sunil Kumar. This led to
the FIR.

4. Learned counsel for the petitioner submits that
only because of he being the owner of the motorcycle, got



implicated, the police due to enmity and past criminal antecedent has framed him, for which he has already suffered by being in custody since 06.09.2024 (para-14 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.5,000/- (Five thousand) to the District Legal Services Authority, Aurangabad, exclusively for the purchase of books.

5. Learned APP opposes the prayer submitting that he being the motorcycle owner cannot exonerate himself from the allegation as also he has criminal antecedent.

6. Considering the submissions put forward by the parties, FIR is there, the petitioner has remained in custody since 06.09.2024, will be facing the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs.5,000/- (Five thousand) to the District Legal Services Authority, Aurangabad, exclusively for the purchase of books

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Judge, Excise Court No.1, Aurangabad in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member of



the petitioner who shall provide official document to show his 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 month 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.

8. Let a copy of this order be communicated to the District & Sessions Judge, Aurangabad for his perusal.

(Rajiv Roy, J)

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