

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79325 of 2024**

Arising Out of PS. Case No.-244 Year-2024 Thana- KALYANPUR District- Samastipur

1. Ashok Choudhary @ Ashok Kumar Choudhary Son of Nand Kishore Choudhary R/O Vill.- Maniyarpur, P.S.- Kalyanpur, Dist.- Samastipur.
2. Deepak Kumar @ Deepak Paswan Son of Baidyanath Paswan R/O Vill.- Khajuri Hasanpur Kairat, P.S.- Kalyanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shubhesh Pandey  
For the Opposite Party/s : Mr.Dilip Kumar No. 1

**CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL ORDER**

2      02-12-2024                      Heard learned counsel for the petitioners,  
  
learned counsel for the informant and learned APP for the  
  
State.

2. The instant application for anticipatory bail  
  
has been filed by the petitioners apprehending their arrest  
  
in a case instituted for the offence punishable under  
  
Sections 30(a), 41(i) of Bihar Excise Prohibition Act.

3. it is a case of recovery of 2016 litres 120 ml  
  
of illicit liquor from three vehicles (truck bearing Reg. No.  
  
WB-23D-2573, Bolero bearing Reg. No. BR-33M-6721



and pickup bearing Reg. No. BR-33GA-3696).

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Neither the petitioners are apprehended on spot nor anything incriminating has been recovered from their conscious possession. They have no concern either with seized liquor or with the place or vehicle in question. No proper procedure of search and seizure has been followed as there is no independent witness of the alleged seizure. Their name sprung up in this case merely on the basis of secret information. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on



bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Kalyanpur P.S. Case no. 244 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court I, Samastipur, subject to the conditions as laid down under section 438(2) of the Cr.P.C, with following conditions:-

(i) One of the bailors should be close relative of the petitioners.

(ii) Petitioners shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioners tamper with the evidence or threatens the witness, in that case, the prosecution will



be at liberty to move for cancellation of bail.

(S. B. Pd. Singh, J)

Nirajkrs/-

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