

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81092 of 2024

Arising Out of PS. Case No.-868 Year-2024 Thana- MAHUA District- Vaishali

Sanjiv Kumar Chaudhary @ Khelari Chaudhary Son of Prahlad Chaudhary
Resident of Village- Parai Police Station- Mahua, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2024 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 offences punishable u/s 274, 275, 317(5), 318(4), 338, 3(5) of BNS and sections 30(a), 32(i), 41(i) of Bihar Prohibition and Excise Act.

3. Altogether 397.44 liters of foreign liquor is said to have been recovered from two vehicles and it is alleged that petitioner fled away on seeing the police.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to ulterior motive. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor.



He was not apprehended on the spot and his name transpired in the case on suspicion. None of the vehicles from which recovery has been made belongs to the petitioner. Further, the petitioner has no criminal antecedent and similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 19.11.2024 passed in Cr. Misc. No.77496 of 2024.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Mahua P.S. Case No.868 of 2024, subject to the condition as laid down under Section 482 (2) of the BNSS, 2023, with the following conditions:

- (i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

8. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that any other case is pending against the petitioner, this order granting anticipatory bail will loose its force automatically.

(Anjani Kumar Sharan, J)

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