

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81693 of 2024

Arising Out of PS. Case No.-92 Year-2024 Thana- MESKAUR District- Nawada

Surendra Choudhary @ Surendra Kumar Son of Bhola Choudhary Resident
of Village- Harla P.S.- Meskaur, Dist.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amit Ranjan, Advocate
For the State : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 04-12-2024 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

2. The petitioner seeks anticipatory bail, apprehending his arrest, in connection with Meskaur P.S. Case No. 92 of 2024 dated 14.10.2024 registered for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

3. As per the allegation, there is recovery of 85 liters of liquor from two motorcycles. As per the confessional statement of the co-accused arrested on the spot, the Petitioner is alleged to have fled away from the place of occurrence.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that he has nothing to do with the



alleged offence and his name has transpired only on the basis of suspicion. He further submits that neither he was driving the alleged motorcycle, nor is he owner of any of the motorcycles. He also submits that there is no recovery from the possession of the Petitioner.

5. On the basis of the material available, no case is made out against the Petitioner under Excise Act and the Petitioner is entitled to get anticipatory bail.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated paragraph no.3 of the bail petition that the petitioner has been made accused in one other case.

8. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-1, Nawada in connection with Meskaur P.S. Case No. 92 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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