

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84540 of 2024

Arising Out of PS. Case No.-326 Year-2024 Thana- BAIRIYA District- West Champaran

Saheb Chaudhary @ Shaheb Chaudhary Son Of Bharat Chaudhari @ Bharat Chaudhary R/O Vill.- Saraiya Man, P.S.- Bairiya, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
		Mr. Deepak Kumar, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Bairiya P.S. Case No. 326 of 2024, dated 29.09.2024, registered for the offences punishable under Sections 274 and 275 of BNS and 30(a) and 28 of the Bihar Prohibition and Excise Act.

3. As per the allegation, 60 litre of country made liquor has been recovered from Sariya Ghat near the Shiv Temple.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has been made from



open space and the petitioner is no way connected with the alleged offence.

5. 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.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in three other cases in which he is on bail.

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

8. 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 Judge, Excise-I, Bettiah, West Champaran, in connection with Bairiya P.S. Case No. 326 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 criminal antecedents other than the disclosed one, 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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