

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85815 of 2023**

Arising Out of PS. Case No.-535 Year-2023 Thana- BIDUPUR District- Vaishali

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Avinash Kumar Chaudhary S/ DINESH CHAUDHARY RESIDENT OF  
VILLAGE- BISHUNPUR RAJKHAND, P.S.- BIDUPUR, DISTRICT-  
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      18-01-2024              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 under Sections 30(a), 32(ii) (iii), 36, 41(i) (ii) of Bihar Excise Act.

3. Altogether, 141.20 litres of illicit liquor has been recovered from the seized vehicle. The driver of the vehicle managed to escape from the spot.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. 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. The allegation



levelled against the petitioner is general and omnibus in nature. He was not apprehended on the spot. He had not consumed liquor. His name has been transpired in the present case merely because he is owner of the seized vehicle which was driven by driver Ankit Kumar. Petitioner has one criminal antecedent of similar nature as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty Thousand) in 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 six 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 Bidupur P.S. Case No. 535 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

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



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

(2) 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 the aforesaid amount in Mahavir Cancer Sansthan, Patna.

**(Anjani Kumar Sharan, J)**

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