

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84427 of 2024

Arising Out of PS. Case No.-319 Year-2024 Thana- KAUWAKOL District- Nawada

Tuntun Chaudhary Son of Rajo Chaudhary R/o Village Latkana, P.S.
-Sheikhpura, Distt. Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate Mr. Kumud Kishore, Advocate
For the State	:	Mr. Ramesh Chandra, 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 petitioner seeks anticipatory bail, apprehending his arrest, in connection with Kawakole PS. Case No.-319 of 2024 dated 18.09.2024, registered for the offences punishable under Section 317(5) of Bhartiya Nyaya Sanhita, 2023 and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, total 50 litre of country made liquor was being carried by the accused by the motorcycle of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent. He further submits that petitioner is



owner of the motorcycle but he has given the motorcycle to co-accused Sanichar Bhulla in good faith for his personal use. However, it has been misused by him without any connivance of the petitioner. Hence, petitioner has been falsely implicated in this case.

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 paragraph no.3 of the bail petition that the petitioner has clean antecedent.

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 Excise Judge-II, Nawada, in connection with Kawakole PS. Case No.-319 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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