

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88296 of 2024

Arising Out of PS. Case No.-361 Year-2023 Thana- BARH District- Patna

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1. Kishun Chaudhary S/o- Late Karu Chaudhary, Resident of Village- Puraibagh in place of village Agwanpur, PS- Barh, District- Patna
 2. Dhananjay Chaudhary, S/o- Late Karu Chaudhary, Resident of Village- Puraibagh in place of village Agwanpur, PS- Barh, District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Barh P.S. Case No. 361 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act. The petitioner no. 2 has no criminal antecedent whereas petitioner no. 1 has one criminal antecedent.

3. As per the prosecution story, on 11.06.2023 the informant along with other police personnel was conducting raid when he got information that in village Purai Bagh, the petitioners are making and selling wine. When the police personnel reached at the place of occurrence, the accused

persons fled away. The local people disclosed the name of these petitioners and one co-accused as the accused persons. When the police conducted search in the house of the petitioners, 15 liter country made wine, gas stove and one cylinder were recovered.

4. Learned counsel for the petitioners submits that the co-accused Pujeri Choudhary @ Salchand @ Salchand Choudhary has been granted privilege of pre-arrest bail by this Court vide order dated 18.10.2023 in Criminal Miscellaneous No. 63558 of 2023 and the case of these petitioners would stand on similar footing.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submissions that the case of the petitioners would stand on similar footing with Pujeri Choudhary @ Salchand @ Salchand Choudhary who has been granted privilege of pre-arrest bail by this Court vide order dated 18.10.2023 in Criminal Miscellaneous No. 63558 of 2023 and the said submission having remained uncontroverted by learned APP for the State, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with

Barh P.S. Case No. 361 of 2023 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act-1, Patna, subject to the conditions as laid down under Section 438(2) Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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