

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3092 of 2025

Arising Out of PS. Case No.-149 Year-2024 Thana- BARBIGHA District- Sheikhpura

Sikendra Chaudhary @ Sikandar Chaudhary S/O Late Arjun Chaudhary R/O
Village- Narayanpur, P.S.- Barbigha, District- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ved Prakash Chandan, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2025 Heard Mr. Ved Prakash Chandan, learned counsel

for the petitioner as well as Mr. Khurshid Anwar, learned A.P.P.

for the State.

2. The petitioner seeks bail, who is in custody since 19.11.2024, in connection with Barbigha P.S. Case No. 149 of 2024, FIR dated 28.05.2024 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that earlier the petitioner was granted the privilege of anticipatory bail in the present case but the petitioner has concealed his criminal antecedents so the bail bond of the petitioner has been cancelled by the learned Court below.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that from a bare perusal of the FIR it appears that altogether 16 litres of country-made liquor has been recovered below the trunk in the house of the petitioner. He further submit that the petitioner is not the exclusive owner of the house of the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner has concealed his criminal antecedent on the previous occasion so, the learned Court below has rightly rejected the bail bond of the petitioner and apart from that the petitioner carries four more cases other than the present one but fairly submits on the basis of the paragraph no.3 of the bail application that out of four cases, the petitioner is on bail in three cases.

6. Considering the aforesaid facts, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise



Judge, Sheikhpura in connection with Barbigha P.S. Case No. 149 of 2024 with the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajesh Kumar Verma, J)

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