

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4456 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- Chakki District- Buxar

1. Chanchal Chaudhari S/o Shri Bhagwan Chaudhari Resident of village- Arak, Bin Toli, P.S.- Krishnabraham, District- Buxar
2. Krishna Chaudhary S/O Ganga Sagar Chaudhary Resident of village- Arak, Bin toli, P.S.- Krishnabraham, District- Buxar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-02-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 is a person with clean antecedent and petitioner no. 2 has antecedent of two cases and allegation is of recovery of 90 litres of liquor from a bag of Birbal Chaudhary.

4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from Birbal, with whom petitioners have no concern and they came to be implicated based on confessional statement



of Birbal in police custody which does not have any evidentiary value.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chakki P.S. Case No. 46 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedent of more than two cases in that event, the provisional anticipatory bail order shall not be confirmed, but after verification if it is found that petitioner no.1 is a person with clean antecedent and the petitioner no.2 has only two criminal antecedents, in that event



the provisional anticipatory bail order shall be confirmed
forthwith.

(Satyavrat Verma, J)

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