

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6826 of 2025

Arising Out of PS. Case No.-221 Year-2024 Thana- SANDESH District- Bhojpur

Arjun Kumar @ Arjun Choudhary, Male, aged about 29 years, son of
Kameshwar Choudhary, resident of village-Repura, P.S.-Sandesh, District-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Sandesh PS Case No.221 of 2024 dated 24.07.2024, instituted
under Sections 37 and 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. Allegation is of recovery of total 20 litres illicit
liquor from the TVS Luna bearing registration no. BR 01 EV
6492.

4. Learned counsel for the petitioner submits that the
petitioner is not named in the FIR. Petitioner has been made
accused because he is the owner of the seized TVS Luna bearing
registration no. BR 01 EV 6492. Learned counsel further



submits that during search and seizure, co-accused, Sanjay Choudhary, who was arrested at the spot, has stated before the police that the vehicle belongs to his younger brother but the vehicle was being used by him. The aforesaid fact is mentioned in the written report. Learned counsel further submits that Sanjay Choudhary, who was arrested at the spot, is his elder brother. Nothing has been recovered from conscious possession of the petitioner. The petitioner has not been arrested at the spot. Learned counsel further submits that co-accused, Chitranjan Paswan has been granted anticipatory bail by by this Court by order dated 23.10.2024 passed in Cr. Misc. No.71801 of 2024. Lastly, it is submitted that the petitioner has one criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II, Bhojpur at Ara, in Sandesh PS Case No.221 of 2024, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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