

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9722 of 2025

Arising Out of PS. Case No.-375 Year-2024 Thana- NASRIGANJ District- Rohtas

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1. Santosh Choudhary S/o- Laxman Choudhary Village- Hariharganj W.No-14,
PS- Nasriganj Dist- Rohtas
 2. Sanjay Choudhary s/o- Doma Choudhary Village- Hariharganj W.No-14,
PS- Nasriganj Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv.
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Nasariganj P.S. Case No. 375 of 2024 dated 02.11.2024,
instituted for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 15 litres country
made *Mahua* liquor from the bank of Sone river.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and they have been falsely implicated in
this case. It is submitted that that nothing has been recovered
either from conscious possession of the petitioners or from their



house, rather, the seized liquor has been recovered from open place i.e. from bank of Sone river. It is submitted that the petitioners have no concern either with the said open place or the seized liquor. Lastly, it has been submitted that they have three criminal cases against each of them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Nasriganj P.S. Case No. 375 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise-II-cum-District and Additional Sessions Judge, Rohtas at Sasaram, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.

3. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their 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.

4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

5. The petitioners shall appear before the Police Station of their local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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