

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8055 of 2025**

Arising Out of PS. Case No.-598 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Udir Chaudhary @ Udhir Chaudhary @ Sudhir Chaudhary @ Sudhir Choudhari Son of Dukhi Chaudhary, Resident of Santar Mohalla, Ward No.13, P.S. - Lakhisarai, District - Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 06-03-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and the allegation is of recovery of 4 litres of liquor from a gallon. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even the alleged recovery is from a place which does not belong to the petitioner and he came to be implicated at the instance of local persons, but the name of the person who disclosed the name of



the petitioner is not disclosed in the FIR, which casts an aspersion on the case of the prosecution. It is lastly submitted that once as accused is implicated in a case relating to excise, the police starts implicating mechanically without proper investigation.

4. Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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. 500/- (Rupees Five Hundred only) 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 **Lakhisarai P.S. Case No. 598 of 2024**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

6. It is made clear that that thereafter, the learned trial Court shall verify the criminal antecedents of the petitioner and in the event, if it is found that petitioner has antecedents 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 carries two criminal antecedents only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

Shahnawaz/-

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