

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22433 of 2025

Arising Out of PS. Case No.-372 Year-2024 Thana- WAJIRGANJ District- Gaya

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1. Rajesh Choudhary, Son of Lakhan Choudhary, Resident of Village - Tawan, Police Station - Wazirganj, District - Gaya.
 2. Upendra Choudhary, Son of Lakhan Choudhary, Resident of Village - Tawan, Police Station - Wazirganj, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Arun Kumar, Advocate
For the State : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Wazirganj P.S. Case No.- 372 of 2024, dated 09.06.2024 registered for the offences punishable under Section 30(a) and 30(d) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, 15 litres soaked *Mahua Jawa* and utensil have been recovered from the place located at *Tarwan Payne*.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this



case. He further submits that recovery has not been made from the personal possession of the petitioner. He also submits that the recovery has been made from an open space accessible to public at large. The petitioners have nothing to do with the alleged recovery of the liquor.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph No. 3 of the bail petition that the petitioner No. 1, Rajesh Choudhary, has one criminal antecedent in which he is on bail whereas petitioner No. 2, Upendra Choudhary, has no criminal antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the



satisfaction of learned concerned Court, in connection with Wazirganj P.S. Case No.- 372 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

Ramesh, S.Ali/-

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