

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25080 of 2025

Arising Out of PS. Case No.-743 Year-2024 Thana- BASANTPUR District- Siwan

1. Papu Chaudhary @ Pappu Chaudhary S/o Shivnarayan Chaudhary R/o Village- Khawaspur Pasi Tola, P.S.- Lakrinabiganj, District- Siwan
2. Manju Devi Wife of Dinesh Chaudhary R/o Village- Khawaspur Pasi Tola, P.S.- Lakrinabiganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2025 Heard Mr. Ajay Kumar Tiwary, learned counsel for the petitioners and Mr. Ramesh Chandra, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Basantpur (LNG) P.S. Case No. 743 of 2024, F.I.R. dated 24.11.2024 for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 9 liters of country made Chulai liquor.

4. Learned counsel for the petitioners submits that the petitioner no. 2 has clean antecedent and the petitioner no. 1 carries two cases of similar nature and also submits that they



have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R is false and fabricated. He further submits that it appears from the F.I.R. that the petitioner no. 1 has been made accused merely on the ground that he is brother-in-law of the petitioner no. 2 (Manju Devi). It appears from the seizure list that altogether 9 litres of counter made chulai liquor was recovered from the house of the petitioner no. 2, which suggests that nothing has been recovered from the conscious possession of the petitioners and as per F.I.R., the petitioner no. 2 was not arrested at the time of seizure and the name of the petitioner no. 1 has been transpired on the basis of his previous criminal antecedent of similar nature.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant



of anticipatory bail, is inclined to accept the submission of counsel for the petitioners.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioners and the petitioners have been made accused merely on the ground that the recovery has been made from the house of the petitioner no. 2, namely, Manju Devi, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. 1, Siwan in connection with Basantpur (LNG) P.S. Case No. 743 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court



below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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