

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26848 of 2025

Arising Out of PS. Case No.-463 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Rajeshvar Chaudhari @ Rajeshwar Chaudhary Son of Late Viswanath
Chaudhari Resident of Village - Pasnauli Ramapali, P.S. - Maharajganj,
District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with G.B. Nagar P.S. Case No. 463 of 2022 instituted under Sections 30(a), 34, 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2016 lodged on 25.12.2022 by the informant, Md. Hasmuddin.

3. As per the prosecution story, the informant alleged that during patrolling, a motorcycle was intercepted and there is recovery/seizure of 65 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that the motorcycle was being driven by Manish Choudhary named in the FIR who is his son and only because he owns the



motorcycle, got implicated. Further, he has no criminal antecedent.

5. Learned APP opposes the prayer.

6. Considering the submissions of the parties as also that the petitioner owns the motorcycle was not at the spot, having no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with G.B. Nagar P.S. Case No. 463 of 2022 to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Siwan subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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