

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30069 of 2025

Arising out of PS. Case No.-27 Year-2025 Thana- PARBATTa District- Khagaria

Kare @ Sanjeev Kumar Choudhary, S/o Jai Narayan Choudhary, Resident of
Vill.- Mathurapur, P.S.- Bharatkhand, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s: Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 20-06-2025 As prayed, learned counsel for the petitioner is permitted to make correction in paragraph 1 of the bail application.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

3. The petitioner seeks bail in a case instituted for the offences under Sections 61(2) BNS and Section 30(a) and 41 of the Bihar Excise and Prohibition (Amendment) Act, 2022. He has two criminal antecedents.

4. As per the prosecution case, on a secret information received, a container vehicle was intercepted by the police and on search, they found that there were two persons sitting on it who disclosed their names as Ashif Khan and Abhijeet Kumar. On search, 15 cartoons of various grocery items were recovered and 3072.6 litres of liquor was recovered from the said con-



tainer.

5. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. It is further submitted by learned counsel for the petitioner that the petitioner was not apprehended at the place of occurrence and his name has transpired on the statement of the apprehended co-accused persons. It is also submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious possession of the petitioner and he has no concern whatsoever with the alleged recovery. It is next submitted by learned counsel for the petitioner that similarly situated co-accused persons namely Raghubir Kumar and Pawan Kumar have been granted anticipatory bail by Co-ordinate Benches of this Court *vide* orders dated 22.05.2025 passed in Cr. Misc. No. 34056 of 2025 and 07.05.2025 passed in Cr. Misc. 28690 of 2025, Omji @ Ulla has been granted regular bail by a Co-ordinate Bench of this Court *vide* order dated 13.05.2025 passed in Cr. Misc. No. 30953 of 2025 and Abhijeet Kumar has been granted regular bail by this Court *vide* order dated 28.05.2025 passed in Cr. Misc. No. 35112 of 2025. It is lastly submitted that the petitioner has two criminal antecedents and he is in custody since 09.02.2025.



6. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that 3072.6 litres liquor has been recovered and the petitioner carries two criminal antecedents as such petitioner should not be granted liberty of bail.

7. Considering the aforesaid submissions of learned counsel and taking into account the fact that the petitioner is in custody since 09.02.2025, the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-2nd, Khagaria in connection with Parbatta P.S. Case No. 27 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except two cases and in case at any stage it is found that the petitioner has concealed his criminal antecedent except two cases, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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