

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33898 of 2025

Arising Out of PS. Case No.-46 Year-2023 Thana- MANJHI District- Saran

Shambhu Chaudhary S/O Late Gopal Chaudhary R/O Vill.- Manjhi Chaubah
Sthan, P.s.- Manjhi, Dist.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-05-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Manjhi P.S. Case No. 46 of 2023 instituted under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 lodged on 12.02.2023 by the informant, Sanjay Kumar Suman.

3. As per the prosecution story, the informant alleged on secret information about selling of the country made wine, two persons were apprehended, they gave the name of the person who escaped as Shambhu Choudhary and there is recovery/seizure of 10 liters of country made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from two different accused,



he remains away, having a job in Kolkata and only because of his criminal antecedent, implicated.

5. Learned APP opposes the prayer submitting that the accused apprehended gave his name.

6. Considering the submissions of the parties as also the fact that there is no recovery/seizure from his conscious possession, the name has come in the confessional statement, 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 Manjhi P.S. Case No. 46 of 2023 to the satisfaction of learned Exclusive Special Judge, Excise-II, Saran at Chapra 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 month for next one year 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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