

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35706 of 2025

Arising Out of PS. Case No.-112 Year-2025 Thana- BAKHTIYARPUR District- Patna

1. Dilip Chaudhary S/O Late Ram Chander Chaudhary Resident of Village- Abumahmadpur, P.S- Bakhtiyarpur, Distt.- Patna.
2. Vikash Kumar S/O Dilip Chaudhary Resident of Village- Abumahmadpur, P.S- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. II, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Bakhtiyarpur P.S. Case No. 112 of 2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the police received information that Dilip Chaudhary (petitioner No. 1) and his son Vikash Kumar (Petitioner No. 2) were selling liquor in their house. The police reached there but seeing the police team, they started fleeing away and on chase, they were apprehended and on search, a total of 29 liters of liquor was recovered.



4. Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No incriminating article has been recovered from the conscious possession of the petitioners. It has further been submitted that merely on suspicion they have been arrested. It has also been submitted that the charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. It is lastly submitted that the petitioner No. 2 has an antecedent of one criminal case while petitioner No. 1 has clean antecedent and they are in custody since 15.03.2025.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and taking into account that no recovery has been made from the conscious possession of the petitioners, let the petitioners above named be released on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Barh, Patna in connection with Bakhtiyarpur P.S. Cas No. 112 of 2025, subject to following conditions:-

a. One of the bailors of the petitioners shall



be their close relative.

b. The petitioners shall remain physically present in Court on each date of the trial.

c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioners in similar nature of offence, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

d. And further condition that the court below shall verify the criminal antecedent of the petitioners 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.

(Sourendra Pandey, J)

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