

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38492 of 2025

Arising Out of PS. Case No.-82 Year-2024 Thana- Excise P.S. District- Aurangabad

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1. Pawan Choudhary S/o Tapeswar Choudhary R/o Village- Baddopur, PS-
Rafiganj, Distt- Aurangabad
 2. Munna Choudhary @ Praven Kumar Nirala S/o Jagdeo Choudhary R/o
Village- Baddopur, PS- Rafiganj, Distt- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Singh, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-06-2025 Heard learned Counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection
with Excise P.S. Case No. 82 of 2024 for the offence registered
under sections 30(a) of Bihar Excise Prohibition and
Amendment Act, 2018 lodged on 01.02.2024 by the informant,
Rubi Kumari.

3. As per the prosecution story, the informant alleged
that on secret information, place behind the petitioner's house
was raided and from the ditch, there is recovery/seizure of 600
kg of *mahua flower* beside 50 liter country made liquor which
was destroyed. This led to the FIR.



4. Learned Counsel for the petitioners submit that both are brothers, only to implicate, as one of them has criminal antecedent, got implicated. The recovery/seizure behind his house has been attributed to them. If granted relief, they shall be diligently appearing in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that information was there that they have hidden it behind their house.

6. Considering the submissions of the parties as also that the recovery/seizure is from a ditch behind the house of the petitioner and not from their conscious possession, in that background, this Court is inclined to grant them the anticipatory bail with conditions.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of District and Additional Sessions Judge cum Exclusive Special Judge, Excise Court No. II, Aurangabad in connection with Excise P.S. Case No. 82 of 2024 subject to condition as laid



down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioners, who shall provide official document to show his *bona fide*;

(ii) the petitioners 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 petitioners shall appear before the concerned police station every fortnight for next one year to mark attendance;

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

(Rajiv Roy, J)

Vijay Singh/-

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