

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49432 of 2025

Arising Out of PS. Case No.-205 Year-2024 Thana- BHORE District- Gopalganj

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Pawan Chauhan @ Pawan Kumar Chauhan S/o- Upendra Chauhan Resident
of village- Shukul Redwaria, P.S.- Bhore, Distt.-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Adv.

For the State : Mr. Vinod Shanker Modi, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 25-07-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 317(5) of the B.N.S. and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The recovery of total 261 litres of *Bunty Babli* country made liquor has been shown from a Maruti Suzuki Swift Dzire Car bearing Registration No. JH12C2300.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case on the basis of the confessional statement of one of the arrested persons, namely, Ashish Shukla to be the driver of the seized car. It is further submitted that there is no recovery from the conscious



and physical possession of the petitioner and he has no concern either with the two arrested persons or with the seized car. It is also submitted that the process of search and seizure amounts to violation of the mandatory provisions as there is no independent witness to the said seizure. It is also pointed out by learned counsel for the petitioner that one of the co-accused persons has already been granted the privilege of anticipatory bail by this Court vide order dated 23.04.2025 passed in Cr. Misc. No. 86100 of 2024.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has one criminal antecedent, which is not of similar nature. In response to the same, it is submitted on behalf of the petitioner that he is on bail in the said case.

6. Considering the entire facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bhore P.S. Case No. 205 of 2024, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related to the petitioner.

(II) The learned Court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the learned Court below shall take steps for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing delay, preferably within a period of two weeks.

(III) The petitioner would appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till the investigation is pending against him.

(Soni Shrivastava, J)

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