

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63149 of 2024

Arising Out of PS. Case No.-329 Year-2023 Thana- SIRDALA District- Nawada

Gobardhan Chauhan Son of Late Jageshwar Chauhan Resident of Village -
Dariyapur, P.S. - Akbarpur, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar

For the Opposite Party/s : Mr.Arun Kumar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

3 13-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Sirdalla P.S. Case no. 329 of 2023 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation in the FIR, on getting secret information about transportation of liquor, police officials reached at the place of occurrence and intercepted a motorcycle and a Bolero. One of the accused persons, namely, Vicky Kumar was apprehended on spot, who disclosed the name of other accused persons including the petitioner. On search, 75 litres liquor was recovered from the motorcycle kept in a bag and 285



litres liquor was recovered from the Bolero.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner is not named in the FIR rather, his name transpired in this case only on the basis of confessional statement of co-accused, namely, Vicky Kumar, who was arrested on spot. It is mentioned in para-10 of the petition that prior to the alleged occurrence, petitioner had handed over the said vehicle to a Travel Agency to earn his livelihood. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list as both the witnesses are police officials. Moreover, it is mentioned in para-3 that he has got no criminal antecedent.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Sirdalla P.S. Case no. 329 of 2023, he will be enlarged 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 learned Exclusive Special Excise Court No.I, Nawada subject to the conditions as laid down under section 438(2) of the Cr.P.C.

7. Trial Court will be at liberty to cancel the bail bond of the petitioner it, if at the time of furnishing bail bonds, he finds any criminal antecedent against the petitioner

(S. B. Pd. Singh, J)

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