

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71384 of 2025

Arising Out of PS. Case No.-567 Year-2024 Thana- FATEHPUR District- Gaya

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1. Bijay Chaudhary Son of Late Sitaram Chaudhary @ Gujar Chaudhary R/o- Village-Raghunathpur, P.S.-Fatehpur, District-Gaya.
 2. Ajay Chaudhary son of Late Sitaram Chaudhary @ Gujar Chaudhary R/o- Village-Raghunathpur, P.S.-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the State : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-10-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Fatehpur P.S. Case No. 567 of 2024 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 07.09.2024 by the informant, Jyoti Mohan Thakur.

3. As per the prosecution story, the informant alleged that on secret information/patrolling, a four wheeler was intercepted and there is recovery/seizure of 150 liters country made Mahua. One Ranjan Kumar was taken into custody and he gave the name of the accused, the petitioner no.1 included. This led to the F.I.R.



4. Learned counsel for the petitioner submits that they do not own the vehicle, petitioner no.1, has no criminal antecedent and nothing has been recovered from their conscious possession. Last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner no.2, Ajay Chaudhary intends to contribute Rs.5,000/- to the District Legal Services Authority, Gaya for the beautification of the Civil Court Campus/purchase of flower pots (whichever is required) in the Civil Court Campus of Gaya Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

5. Learned APP opposes the prayer submitting that the arrested person has named them.

6. Considering the submissions of the parties as also that the petitioners do not own the vehicle, nothing has been recovered from their conscious possession, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs.5,000/- by the petitioner no.2, Ajay Chaudhary to the District Legal Services Authority Gaya for the beautification of the Civil Court Campus/purchase of flower pots, whichever is required in the Civil Court Campus of Gaya Judgeship as undertaken by the



petitioner(s) through the learned counsel through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Gaya.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.-4, Gaya, in connection with Fatehpur P.S. Case No. 567 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation of bail bonds;

(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 bail bonds.

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Gaya for perusal and needful.

(Rajiv Roy, J)

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