

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78526 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- NATWAR District- Rohtas

Jamvant Chaudhary @ Jamvant Kumar S/o Bahadur Chaudhary @ Lal Bahadur Chaudhari R/o Village- Bishunpur, P.S.- Natwar (Semara O.P.), District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 78987 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- NATWAR District- Rohtas

Shambhu Chaudhary @ Shambhu Kumar Son of Late Jayram Chaudhary Resident of Village - Bishunpur, Police Station - Natwar (Semara O.P.), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 78526 of 2024)

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 78987 of 2024)

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-02-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Natwar P.S. Case No. 84 of 2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 08.05.2024 by the informant, Bikash Kumar



Singh.

3. As per the prosecution story, the informant alleged that upon secret information, the place was raided and there is recovery of 12 liters country-made *mahua* from one place and the local chowkidar gave the name of the persons who escaped as Pradeep Singh and Jitendra Singh. Further, after reaching Hanuman Mandir, another raid was made and 55 liters of mahua was recovered which was seized those who escaped were named as Jamvant Chaudhary and Shambhu Chaudhary (petitioners herein). Accordingly, the FIR.

4. Learned counsel for the petitioners submit that admittedly, they had criminal antecedent and this has given an alibi to the local chowkidar to name them every time there is any recovery/seizure. They undertake that henceforth, there shall not be any case against them failing which the State/prosecution shall be free to take recourse for cancellation of their bail bonds.

5. Learned APP opposes the prayer stating that they have criminal antecedent.

6. Taking into account the aforesaid facts as also that though the recovery/seizure is there, nothing has been recovered from their conscious possession and an undertaking has been



given that they shall be diligent in ensuring that no case is lodged against them, have also undertaken to appear in trial without any unnecessary delay, in that background, this Court is inclined to grant them privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of their 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. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Natwar P.S. Case No. 84 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show their 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 one year to mark their



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 their bail bonds.

(Rajiv Roy, J)

Adnan/-

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