

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87714 of 2024

Arising Out of PS. Case No.-571 Year-2024 Thana- HISUWA District- Nawada

Biru Chaudhary @ Bira Chaudhary S/O Late Kailash Chaudhary R/o Village-
Soia Labarpura, P.S.- Hisua, Dist.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, Advocate
		Mr. Kumud Kishore, Advocate
For the State	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Hisua P.S.
Case No. 571 of 2024 dated 25.09.2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. As per the allegation, 10 liter country made liquor
has been recovered from the scooty bearing No. BR-27V-4422,
which was abandoned by the person, who was driving it and the
driver of the scooty could not be apprehended. Further case of
the police is that as per secret information, the liquor was
purchased from the accused persons including the petitioner.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the scooty in question neither belongs to the petitioner, nor is he any way involved in the alleged offence. Except so called secret information of the police, there is no connecting material against the petitioner. He further submits that the whole implication of the petitioner is false and baseless without any legal basis and no prima facie case is made out against the petitioner under the Excise Act.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has one criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand)



with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-I, Nawada in connection with Hisua P.S. Case No. 571 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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