

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87746 of 2024

Arising Out of PS. Case No.-416 Year-2024 Thana- NAUTAN District- West Champaran

Asha Devi W/o Late Sanjay Chaudhary Resident of Village- Gahiri Kachahari
Chowk, Ward No.-10, P.S.- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma

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

2 10-01-2025 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 a case instituted for the offence punishable under Section 30(a), 41(1) of Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 2 litres country lade liquor from the house of the petitioner. Petitioner was alleged to fled from the place of recovery.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery. The house from which the recovery was alleged to



have been made was a house of joint family possession. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. No proper procedure of search and seizure has been followed in this case.

5. Learned A.P.P. for the State has vehemently 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 Nautan P.S. Case no. 416 of 2024, 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 Judge, Excise I, Bettiah, West Champaran, subject to the conditions as laid down under section 438(2) of the



Cr.P.C., with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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