

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1439 of 2025

Arising Out of PS. Case No.-424 Year-2024 Thana- NAUTAN District- West Champaran

1. Santosh Chaudhary Son of Jokhan chaudhary Resident of Village- Purendarpur, Ward -17, P.O.- Kunjlahi, Tola Khadda, P.S.- Bettiah, Distt.- West Champaran, Bihar
2. Heera Chaudhary Son of Bhola chaudhary Resident of Village- Purendarpur, Ward -17, P.O.- Kunjlahi, Tola Khadda, P.S.- Bettiah, Distt.- West Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioners are person with clean antecedent and allegation is of recovery of 300 ml of liquor from a place near Bagahi bridge.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the alleged recovery is from a place which does not belong to the



petitioners and is accessible to public at large and they came to be implicated at the instance of *Hawaladar*. It is next submitted that it absolutely does not stand to reason that how the police recognized the petitioners when they are not known to the *Hawaladar*.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Nautan P.S. Case No. 424 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that any of the petitioners have antecedent of even one case in that event the provisional anticipatory bail order shall not be confirmed with respect to the



petitioner against whom antecedent is found, but after verification if it is found that petitioners are persons with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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