

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.53193 of 2016**

Arising Out of PS.Case No. -530 Year- 2016 Thana -KATIHAR District- KATIHAR

- =====
1. Pappu Chauhan, S/o late Mahadeo Chauhan, R/o Mohalla Rajendra Gram Colony No. 2 P.S. and District – Katihar.
  2. Pramod Kumar Shil @ Pramod Thakur, S/o Raju Shil, R/o Mohalla Balu Pokhar, Colony No. 2 Katihar, P.S. and District – Katihar.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Manoj Kumar - 1

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**  
**ORAL ORDER**

2 08-12-2016

Learned counsel appearing on behalf of petitioner

no. 1, Pappu Chauhan, seeks permission to withdraw this application, since he has been apprehended by the Police.

In view of the above submission, the application of petitioner no.1, Pappu Chauhan, is dismissed as withdrawn.

Heard learned counsel for the petitioner no. 2, Pramod Kumar Shil @ Pramod Thakur, and the learned A.P.P. for the State.

The petitioner no. 2 apprehends his arrest in connection with Katihar Town P.S. Case No. 530 of 2016 registered under Sections 273 of the Indian Penal Code and 47(A) of the Bihar Excise Amendment Act.

The accusation is that on receiving secret



information about carrying the foreign liquor, in huge quantity, on a tempo by the petitioners, the Police started checking of the vehicles. In that course, one tempo was seen coming from Bhagwanpur Chowk. When signal was given to stop the tempo then all the four persons sitting in a tempo started to flee away but on chase, three persons, including the driver of the tempo were apprehended, who disclosed their name as Pramod Kumar, Amit Kumar @ Navin Kumar @ Buchu and Prasnajit Nandani, while Pappu Chauhan succeeded to flee away. During that course, petitioner no. 2 Pramod Thakur and Babin Ghosh, who were coming on a motorcycle behind the tempo, fled away towards Lal Kothi. On checking of the tempo, 139 bottles, each containing one liter, kept in two gunny bags, of foreign liquor were recovered. The aforesaid apprehended persons disclosed that they along with petitioner no. 2 and Babin Ghosh after purchasing the aforesaid foreign liquor from Bengal were carrying the same to Katihar to sell.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner was apprehended on the spot, rather the name of this petitioner no. 2 has been disclosed by co-accused, who were apprehended by the Police. Further submission is that similarly



situated co-accused Babin Ghosh has already been allowed anticipatory bail by this Court vide Cr. Misc. No.44553 of 2016 on 28.10.2016.

Having considered the facts and circumstances of the case, let the above named petitioner no. 2 Pramod Kumar Shil @ Pramod Thakur be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Katihar in connection with Katihar Town P.S. Case No. 530 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

**(Rajendra Kumar Mishra, J)**

Shail/-

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