

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22680 of 2017

Arising Out of PS.Case No. -760 Year- 2016 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

=====

Abhishek Kumar Choudhary @ Ravi Kumar, Son of Shri Birendra Choudhary, resident of Bharat Raut Katra, Hajipur, P.S. Nagar Hajipur, District- Vaishali.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. P.K.Shahi, Sr.Adv.

Mr. Ganga Prasad Bimal, Adv.

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 13-07-2017 Heard Sri P.K.Shahi, learned senior counsel assisted by Sri Ganga Prasad Bimal, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Hajipur Town P.S. Case No. 760 of 2016 registered for offence under Sections 188, 420, 120(B)/34 of the Indian Penal Code and Section 30, 47, 38, 48 of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned senior counsel that save & except suspicion against the petitioner, there is no material to connect the petitioner in the present case, even during investigation, no direct material was collected against the



petitioner. According to learned senior counsel, in this case, earlier case diary was called for, which has been received and while summoning case diary, a Bench of this Court had directed not to take any coercive step against the petitioner. He submits that the officer incharge is the informant of the present case, who has recorded self-statement and in the F.I.R., he stated that he had got secret information that this petitioner was coming on a truck carrying huge quantity of Indian make foreign liquor. According to learned senior counsel, save and except the fact that petitioner's name has come on the secret information of the informant that the petitioner was coming on a vehicle, there is no other material. He submits that vehicle was intercepted subsequently and from the vehicle, father of the petitioner was arrested. He further submits that subsequently, it was indicated that the accused persons alongwith one Sanjay Kumar Jaiswal was running a syndicate, which was involved in bringing huge quantity of foreign liquor from Haryana and distributing the same in the State of Bihar. However, so far as petitioner is concerned, there is no other material.

Learned Addl. Public Prosecutor has opposed the prayer for grant of anticipatory bail, however; from the case diary, he was not in a position to bring any other specific fact showing



involvement of the petitioner.

It has also been argued by Sri P.K.Shahi, learned senior counsel that the co-accused Sri Sanjay Kumar Jaiswal @ Sanjay Jaiswal has already been extended the privilege of anticipatory bail on 23-03-2017, vide Cr. Misc. No. 12231 of 2017.

Considering the fact that petitioner's name has come only on secret information as well as the fact that one of the co-accused has been extended the privilege of anticipatory bail, there is no reason to pass a different order in the present case.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Abhishek Kumar Choudhary @ Ravi Kumar be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 760 of 2016, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

Anay

U		T	
---	--	---	--

