

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33811 of 2018

Arising Out of PS. Case No.-149 Year-2017 Thana- BIHTA District- Patna

Nagendra Chaudhary , S/o Late Mukha Chaudhary, Resident of village -
Maudahi, P.O.- Katesar, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :
For the Opposite Party/s :

Mr. Shambhu Sharan Singh
None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 27-06-2018 Heard Sri Shambhu Sharan Singh , learned counsel
for the petitioner . None appeared on behalf of the State.

The sole petitioner, having clean antecedent, which fact has been stated in paragraph no. 3 of the petition apprehending his arrest in connection with Bihta P.S. Case No. 149 of 2017 , registered for the offence under Section 30(a)/37 (a)(b)(c) of the Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

Learned counsel for the petitioner by way of referring to the F.I.R. submits that petitioner has been made accused in the present case only on the basis of confessional statement of co-accused Sintu Kumar. However, co-accused who had disclosed the name of the petitioner has already been granted bail vide Cr. Misc. No. 25544 of 2017 . He further submits that



the driver of the vehicle from which huge quantity of *Mahua* liquor was recovered namely, Punnu Kumar Rai was granted anticipatory bail on 06.07.2017 vide Cr. Misc. No. 15449 of 2017.

Considering the fact that petitioner is having clean antecedent and he has been made accused on the basis of confessional statement as well as the fact that at least one of the co-accused in similar circumstances has been extended the privilege of anticipatory bail, there is no reason to refuse the same relief to the petitioner.

Accordingly, in the event of his arrest or surrender within a period of six weeks from today, let the petitioner Nagendra Chaudhary 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 Spl. Judge Excise Act Patna / concerned court in connection with Bihta P.S. Case No. 149 of 2017 subject to the conditions as contemplated under Section 438 (2) of the Code of Criminal Procedure, 1973.

praful/-

(Rakesh Kumar, J)

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