

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23006 of 2018

Arising Out of PS. Case No.-468 Year-2017 Thana- Bihpur District- Bhagalpur

Chotu Choudhary @ Shivam Kumar, S/o Mantun Choudhary @ Uma Shankar Kumar, Resident of Village- Nanhkar (Jayrampur) Police Station- Bihpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 23-04-2018 Heard Sri Rakesh Kumar, learned counsel for the petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Bihpur P.S. Case No. 468 of 2017 registered for offence under Sections 30(a), 38(1) 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 submits that on perusal of F.I.R. itself, it is evident that nothing was recovered from conscious possession of the petitioner, nor anything was recovered from the house of the petitioner, rather from outside of the house, recovery of about 7 liter Indian make foreign liquor was shown. Learned counsel for the petitioner has drawn my attention to statement made in paragraph – 3 of the petition



to show that petitioner is having clean antecedent.

Considering the nature of accusation and clean antecedent, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Chotu Choudhary @ Shivam 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 Special Judge (Excise), Bhagalpur in connection with Bihpur P.S. Case No. 468 of 2017 subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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