

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7397 of 2019

Arising Out of PS. Case No.-135 Year-2018 Thana- KUNDWACHAINPUR District- East
Champaran

Prabhu Chaudhary @ Prabhu Jaiswal, aged about 55 years, Male, Son of Late
Nandlal Choudhary R/o- Village- Barewa , P.S.- Dhaka, District East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 272 and 273/34 of
the IPC and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

The prosecution case, as per the written report of S.I.,
Abhay Kumar, dated 27.09.2018, submitted to the Station House
Officer, Sikarahana Police Station, is to the effect that on the
same day, at about 3.15 A.M., while the informant was on
patrolling duty, he reached Gurhenwa village and signalled to
stop a Tata Sumo vehicle, whereupon two persons started
fleeing away, but one of them was apprehended, though, one



person managed to escape from the scene. From the alleged Tata Sumo Vehicle, 1110 litres of Nepali liquor were recovered. The apprehended co-accused disclosed his name as Irfan Ansari and also disclosed the name of the person who escaped from the scene as Sundar Kumar. The apprehended co-accused also disclosed that the petitioner brought illicit liquor from Nepal to Bhawanipur and from Bhawanipur, they were carrying liquor.

It is submitted by learned counsel for the petitioner that even assuming the accusation to be true, no offence against the petitioner is made out as no recovery has been made from the possession of the petitioner. It is further submitted that prosecution report does not suggest the identity of owner of the seized vehicle. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that name of the petitioner sprang up on the confession of apprehended co-accused.

Considering the fact that accusation does not suggest any recovery from the petitioner and the name of the petitioner sprang up on the confession of apprehended co-accused, coupled with statement made in para 3 of the petition that the petitioner is not having any criminal antecedent, let the above



named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, East Champaran, Motihari in connection with Kundwa Chainpur P.S. Case No. 135 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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