

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44053 of 2019**

Arising Out of PS. Case No.-70 Year-2019 Thana- MADHEPUR District- Madhubani

Kudesh Chaupal @ Kuhesh Chaupal Son of Modhari Chaupal @ Madhuri Mandal, Resident of Village-Lilabad, Biarpur, Police Station-Lakhnaur, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Ansar Ul Haque

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER**

2 17-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Madhepur P.S. Case No. 70 of 2019 registered for offence punishable under sections 272, 273 of the Indian Penal Code and section 30 (a) of the Bihar Prohibition and Excise (Amended) Act, 2018.

The learned counsel for the petitioner submits that the petitioner is neither the owner of vehicle nor he is driver, he was merely a villager of that area and he was helping the owner of vehicle to bring/take away the vehicle from morass.

In such view of the matter, the petitioner in the event of arrest or surrender before the court below within six weeks



from today, is directed to be enlarged on **provisional bail** on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 2nd District and Sessions Judge-cum-Special Judge, Excise Act, Madhubani in connection with Madhepur P.S. Case No. 70 of 2019, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

The court below is directed to hold an enquiry with regard to the status of the petitioner as to whether he is driver, owner or villager of that area and if it is found that the petitioner is driver or owner of the said vehicle, the provisional bail granted to the petitioner will be treated to have been cancelled and if it is found that he is merely a villager then his provisional bail will be confirmed.

(Shivaji Pandey, J)

Mahesh/-

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

