

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52631 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- SALAIYA District- Aurangabad

NIRMOHI CHAUDHARY Son of Rajendra Chaudhary Resident of Village-
Vishambharpur, P.S.- Kasma, District- Aurangabad(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Leelawati Kumari

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-08-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Salaiya Police Station Case No. 45 of 2019, disclosing offences under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First Information Report, is that the police intercepted a bolero vehicle and upon seeing the police, the person, who was driving the vehicle, fled away after leaving the vehicle on the road and when the bolero vehicle was searched, a person, sitting on it, namely, Akhilesh Choudhary, was arrested and 300 litres of illicit liquor was recovered from the said vehicle.

Learned Counsel for the petitioner submits that the



petitioner has falsely been implicated in this case on the basis of statement made by the owner of the vehicle, Akhilesh Choudhary, who was found sitting inside the bolero vehicle and disclosed that he was indulged in the trade of illicit liquor. He further submits that the petitioner is neither the driver of the said bolero vehicle nor has any connection with the owner of the vehicle. He also submits that the petitioner has got no criminal antecedent.

After having heard learned Counsel for the parties and taking into consideration the fact that the owner of the vehicle was sitting inside the vehicle and has accepted that he was indulged in the sale and transportation of illicit liquor and the name of the petitioner has come in the statement of the co-accused, Akhilesh Choudhary, and there is no criminal antecedent against the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Nirmohi Chaudhary, in the event of his arrest or surrender before the Court below within four weeks, be released 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 6th Additional Sessions Judge



-cum- Special Judge, Excise, Aurangabad, in connection with Salaiya Police Station Case No. 45 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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