

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71598 of 2019

Arising Out of PS. Case No.-126 Year-2019 Thana- CHACKMEHSI District- Samastipur

Prabhat Kumar @ Prabhat Chaudhary Son of Sri Sanjay Chaudhary Resident
of Village- Neema Chakhedar, P.S.- Chak Mehshi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Ranjan, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Chakmehsi P.S. Case No. 126 of 2019, registered under Sections 272/273/34 of the Indian Penal Code and Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

The prosecution story, as per FIR, is that the police upon secret information that some persons were unloading illicit liquor from Truck, proceeded towards the place of occurrence and recovered huge quantity of illicit liquor from the Truck, Bolero Jeep and Swift Desire car.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the petitioner has not committed any offence



in the manner alleged, the name of the petitioner has been disclosed on the basis of confessional statement made by the arrested accused person, namely, Sarukh. He further submits that the petitioner has been implicated in this case at the behest of local Mukiya who has inimical terms inasmuch as for occurrence allegedly taken place on the same date at late night, the petitioner has been made accused in another case bearing Kalyanpur P.S. Case No. 180 of 2019. He further submits that Swift Desire Car, which is seized does not belong to the petitioner as stated in para 11 of the application. He further submits that similarly situated co-accused person, Sahruk, has already been granted bail by this Court in Cr. Misc. No. 57497 of 2019 vide order dated 12.09.2019.

After having heard learned counsel for the parties and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession of the petitioner, the seized vehicle does not belong to the petitioner and similarly situated co-accused person has already been granted bail, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four



weeks from today, be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur in connection with Chakmehsi P.S. Case No. 126 of 2019; subject to condition as laid down hereinabove and under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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