

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69679 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- KUNDWACHAINPUR District- East
Champanan

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1. Chhathu Kumar, aged 25 years (M), Son of Sonalal Singh
2. Sanjeet Kumar, aged about 24 years (M), Son of Ram Sagar Singh
Both R/o Village - Kharuhi, P.S.- Kundwachainpur, Distt.- East Champaran.
... .. Petitioner/s
- Versus
- The State of Bihar
... .. Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 20-11-2019 At the very outset, it was submitted by learned
counsel for the petitioners that during pendency of the present
anticipatory bail petition, the petitioner no. 2 namely Sanjeet
Kumar was arrested and as such, he seeks permission to
withdraw this petition so far as petitioner no. 2 (Sanjeet Kumar)
is concerned.

The prayer is allowed. The petition, so far as
petitioner no. 2 is concerned, stands dismissed as withdrawn.

The petitioner no.1 namely Chhathu Kumar
apprehends his arrest in Kundwachainpur P.S. Case No. 140 of
2019 registered for the offence under Sections 272, 273/34 of
the Indian Penal Code and Sections 30(a), 41(1) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
F.I.R., it is a case of recovery of 45 litres of Nepali country-
made liquor from a bag kept on the motorcycle and only on



suspicion, the name of petitioner has been surfaced, whereas, petitioner has no concern with the seized liquor. He further submits that petitioner has got no criminal antecedent, which fact has been stated in paragraph – 3 of the petition.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Chhathu 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, Motihari, East Champaran in connection with Kundwachainpur P.S. Case No. 140 of 2019 on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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