

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3422 of 2020

Arising Out of PS. Case No.-326 Year-2019 Thana- MAIRWAN District- Siwan

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Rajesh Choudhary S/O Bitoran Choudhary Resident of Village -
Mahrajganj, Balangra, P.S. - Daraunda, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mairwa P.S. Case No. 326 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

172.800 liters of illicit liquor is said to have been recovered from the alleged vehicle.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case and has been made accused on the basis of confessional statement of the co-accused. Nothing has been recovered from his conscious possession and he has no concern with the alleged recovery. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been



followed with respect to search and seized. Petitioner is having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest or surrender before the court below within a period of six weeks from today, let the above named petitioner be enlarge on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 326 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 tampers 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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