

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17171 of 2020**

Arising Out of PS. Case No.-248 Year-2019 Thana- KHARIK District- Bhagalpur

Chotu Roy @ Gaurav Kumar, Male, aged about 39 years, S/o Koko Roy,
Resident of Village- Tulasipur, P.S.- Kharik, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saghir Ahmad, Advocate

For the Opposite Party/s : Mr.Nand Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 18-08-2020 Heard the parties through the virtual court proceeding.

The petitioner apprehends his arrest in connection with Kharik P.S. Case No. 248 of 2019 registered for the offences punishable under Sections 30(a) and 38(1) of the Bihar Prohibition and Excise Amendment Act.

Allegation against the petitioner is that 1172 liters of foreign liquor each has been recovered from the Tata 407 vehicle.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather 1172 liters of foreign liquor has been recovered from the Tata 407 vehicle. Learned counsel for the petitioner further submits that the said Tata 407 vehicle does not belong to the petitioner. Learned counsel for the petitioner further submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that the petitioner has got no criminal antecedent. Similarly situated co-accused have been granted bail by this Hon'ble Court vide Annexures-2 to 4.



Learned A.P.P. for the State opposed the bail petition.

Petitioner is agreed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) in the CM Relief Fund, bearing Account No.2065104000002257, IFSC Code: IBKL0002065, Bank – IDBI, Branch – Kidwaipuri, Patna.

In the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-Cum-Special Judge, Excise, Bhagalpur in connection with Kharik P.S. Case No. 248 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000/- (Rupees Thirty Thousand) in the CM Relief Fund.

(Anjani Kumar Sharan, J)

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