

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85549 of 2019

Arising Out of PS. Case No.-401 Year-2019 Thana- PATORI District- Samastipur

=====

AMAR @ AMAR CHOUDHARY, Son of Nanhki Choudhary Resident of
Village- Sirdilpur, P.S.- Patori, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273 of Indian Penal Code and Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

Informant who is a police officer has alleged in his written complaint that on 14.10.2019 at about 8:15 p.m., he along with other police personnels were on patrolling duty when he was informed that Pradeep Choudhary has opened a shop of illicit toddy and upon receiving said information, he raided the place and apprehended one person who disclosed his name as Pradeep Choudhary and from the shop 40 litres of country made liquor was recovered which was seized and apprehended accused Pradeep Choudhary disclosed the name of other persons



who have been engaged in trade of illicit liquor which included the name of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case due to animosity and village rivalry. Nothing has been recovered from possession of petitioner nor he was apprehend on the spot as such no offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Patori P.S. Case No.401 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.



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

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

