

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.880 of 2021

Arising Out of PS. Case No.-25 Year-2019 Thana- KUDHNI District- Kaimur (Bhabua)

ABHISHEK CHAUDHARY, age about 24 years, Male, Son of BAHADUR CHAUDHARY, Resident of Village - Kamhari, P.S.- Kudhani, Distt.- Kaimur at Bhabua.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 30(a), 37(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 180 ML wine is said to have been recovered from the pocket of co-accused.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the



present case. There is no allegation of tampering with the witnesses alleged against the petitioner. From perusal of the F.I.R., it appears that other co-accused has disclosed the name of this petitioner but the name of the petitioner does not figure in the column of accused in the F.I.R. Except for this there is no other substantive evidence to suggest the implication of the petitioner in the present case. It is alleged that total 180 Ml wine is recovered from the pocket of co-accused. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Sessions Judge-5th-cum-Special Judge (Excise), Kaimur at Bhabua, in connection with Kudhani P.S. Case No. 25 of 2019, R. No. 740/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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