

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3655 of 2022

Arising Out of PS. Case No.-792 Year-2021 Thana- LAKHISARAI District- Lakhisarai

CHANDAN KUMAR SON OF JAGDISH PRASAD SINGH R/O
MOHALLA- MUNNACHAK, P.O.- LOHIANAGAR, P.S.- PATRAKAR
NAGAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 37(a) and 37(b) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is not of recovery of liquor but is of consumption based on a video footage of 27 minutes in which petitioner was found drinking.

Learned counsel for the petitioner submits that this is the bizarre way of implicating an innocent person, it is next submitted that a prohibition law may be operational in Bihar but then the same does not prohibit a resident of Bihar from



drinking elsewhere, it is further submitted that merely on a video footage, it cannot be presumed that the petitioner was drinking within the state of Bihar, it is thus submitted that police in a mechanical manner proceeds in such cases and in order to show their efficiency, they instantly institute FIR when from perusal of the newspaper reports it would manifest that the crime is increasing.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Lakhisarai P.S. Case No. 792 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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