

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9524 of 2022

Arising Out of PS. Case No.-30 Year-2021 Thana- NATHNAGAR District- Bhagalpur

1. SAMBHU CHOUDHARY @ UMAKANT CHOUDHARY S/o Late Baldeo Choudhary R/o village- Kanjhiya, P.S.- Nathnagar (Madhusudanpur), Distt.- Bhagalpur, Bihar
2. RAVI KANT CHOUDHARY @ RAJU CHOUDHARY S/o Shambhu Choudhary @ Umakant Choudhary R/o village- Kanjhiya, P.S.- Nathnagar (Madhusudanpur), Distt.- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manohar Prasad Singh, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2, as he has been arrested and thereafter granted by the learned court below.

Accordingly, this application with regard to petitioner no.2 is dismissed as withdraw. Now, it is being heard as



against the petitioner no.1 only.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2016.

Altogether 241.92 litres of foreign liquor is said to have been recovered from a white color Scorpio standing in front of the door of one Chandan Kumar @ Banti Choudhary house. It is alleged that other persons fled away from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case. His name transpired in this case on the confessional statement of co-accused Banti Choudhary @ Chandan Kumar. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor or the vehicle/place of recovery. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.1 is agreed to deposit a sum of Rs.5,000.00/- (Rupees Five Thousand) in the Patna High



Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner no.1, named above, in the event of his arrest/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.25,000/- (Rupees Twenty Five 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 Nathnagar (Madhusudanpur) P.S. Case No.30 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court



below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner no.1 shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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