

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10402 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- BARH District- Patna

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ARUN CHAUHAN @ ARUN KUMAR SON OF RAMISHWAR
CHAUHAN @ MAHESH NONIA RESIDENT OF VILLAGE- PURANI
BARH, WARD NO. 3, P.S.- BARH, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner 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.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 45 litres of country made liquor is said to have been recovered from the place of occurrence.

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 at



the instance of his enemies. His name transpired in this case on the basis of information given by the villagers. There is no material in support of such averment made by the witnesses. Petitioner has neither been apprehended on the spot nor any incriminating article of excise has been recovered from his conscious physical possession. Petitioner was not involved with the storage or transportation of the alleged liquor. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten 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 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 Barh P.S Case No.367 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 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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