

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23411 of 2021

Arising Out of PS. Case No.-149 Year-2020 Thana- GHORASAHAN District- East
Champaran

MOHAN KUMAR Son of Shivmangal Ray Resident of Village- Pipra, P.S.-
Chhauradano (Jitna), District- East Champaran. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects as pointed out by
the office when called upon to do so by the office.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Ghorasahan P.S. Case no. 149 of 2020 instituted for the
offence under Sections 188, 269, 270 and 271 of the Indian
Penal Code, Section 3 of Epidemic Disease and 30(a) of the
Bihar Prohibition and Excise Act.

Prosecution story relates to recovery of approx 35
litres country made liquor.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. The alleged recovery has been made from bank of river and not from the conscious and constructive possession of the petitioner. The name of the petitioner has been disclosed in this case by the co-villagers due to enmity, which has no evidentiary value in the eye of law.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Ghorasahan P.S. Case no. 149 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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