

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16867 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- CHANDRAMANDI District- Jamui

CHHOTU PASWAN Son of Jugal Narayan Prasad Resident of Village -
Gandhi Mela Path, P.S.- Govindpur, Distt.- Dhanbad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 272, 273 of the Indian
Penal Code read with Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 3600 litres of liquor from a
truck.

Learned counsel for the petitioner submits that petitioner
was not apprehended at the spot, as such, nothing was recovered
from his conscious possession and his name transpired in the
confessional statement of apprehended accused in police custody



which has no evidentiary value in the eye of law and came to be implicated as he had used the mobile number of the owner of the truck. It is next submitted that petitioner is neither the owner nor the driver of the truck and the basis on which he came to be implicated appears very improbable i.e. merely by using the mobile and on that basis it cannot be alleged that the petitioner was also involved in the occurrence.

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 and the fact that petitioner is a person with clean antecedent, 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.5,000/- (Rupees 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 Chandramandih P.S. Case No. 153 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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