

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29905 of 2021**

Arising Out of PS. Case No.-704 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Akash Kumar S/O Shankar Chaudhary R/O Village-Ambedkar Colony, P.S
Town, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 09-02-2022 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 Town (Sikandarpur O.P.) P.S. Case no. 704 of 2020
instituted for the offence under Section 272 and 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act.



As per allegation in the FIR, on getting secret information, police party proceeded towards place of occurrence. On seeing the police personnel, three accused persons managed to escape including this petitioner. It is further submitted that on search 64 litres of country made chulai wine from a bush besides the road was recovered. Local people has disclosed the name of the petitioner as absconder.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. The name of the petitioner has been disclosed in this case by the local people before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his possession. Petitioner has no concern with the alleged recovery which has been made from an open field.

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 Town (Sikandarpur O.P.) P.S. Case no. 704 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, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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