

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21980 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

CHANDAN CHAUDHARY @ CHANDAN KUMAR, aged about 27 years,
Gender-Male, Son of Ramrath Choudhary, Resident of Village - Bahuara,
P.S.- Mohaniya, Distt.- Kaimur at Bhabua.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shyam Bihari Singh, Advocate
For the Opposite Party : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State through Virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Mohania P.S. Case No. 42/2022 for the offence registered
under Sections 30(a), 36 and 41(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution story, in brief, is that total 42 liters
wine is recovered from the back side of the house of co-accused.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent. He



has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 42 liters wine is recovered from the back side of the house of co-accused. The name of the petitioner has transpired in the present case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022(Sweta Kumari-Versus-State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Additional Sessions Judge-II, Kaimur at Bhabua, in connection with Mohania P.S. Case No. 42/2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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