

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23656 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- MAHNAR District- Vaishali

Hare Ram Choudhary Son of Sri Suresh Choudhary Resident of Village - Karnauti, P.s.- Mahnar , Distt.- Vaishali. At present Resident of Village - Bank of India Colony, House No.A-6 of Late Alok Pandey, P.S.- Shastri Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The state of bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 11-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahnar P.S. Case no. 322 of 2021 instituted for the offence under Sections 413, 272/34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

The prosecution case relates to recovery of incriminating India Made Foreign Liquor, one mobile set and a motorcycle from Bhusaghar which allegedly belongs to the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. No any incriminating article has been recovered from his



conscious possession. The said Bhuaghar is situated on government land and the petitioner does not belong to the alleged recovery from it which mentioned in Para 9 of the petition. On the basis of one seizure list, implication of several accused persons is not proper in the eye of law. The petitioner has got no criminal antecedent.

Learned APP appearing for the state has opposed the prayer of anticipatory 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 Mahnar P.S. Case no. 322 of 2021, 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 Act-II-Cum-Additional Sessions Judge, Vaishali at Hajipur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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