

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37947 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- RAFIGANJ District- Aurangabad

SUNIL KUMAR CHOUDHARY @ SUNIL CHOUDHARY Son of Bilash Choudhary Resident of Village Mayapur P.S. Chatra, District - Chatra (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2022 Heard the parties through virtual mode.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under sections 30(a) of the Bihar Excise Prohibition Act, 2016.

Allegation is that as per secret information that one tempo was going with illegal liquor and one motorcycle is running as line, police apprehended the driver of the tempo but the driver of the motorcycle being the petitioner fled from the spot. On search, 35 liters of country made liquor was recovered from the



said tempo. It is alleged that both the tempo and the motorcycle belongs to the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case. He has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. His name transpired in the case on the basis of the confessional statement of the apprehended co-accused. Allegation against the petitioner is that seeing the police, he fled away from the spot along with the motorcycle. He has no concern either with the seized liquor or any trade of liquor. The driver of the tempo was carrying the liquor without the knowledge of the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/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.25,000/- (Rupees Twenty 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 Rafiganj P.S. Case No.12/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) One of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with petitioner. He will also undertake to inform the Court if there is any change in the address of petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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