

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53659 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- SAKRA District- Muzaffarpur

Chhotu Kumar @ Avinash Kumar S/O Mani Bhushan Thakur @ Bhushan Thakur R/O Repura, P.S.- Sakra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

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

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 17-11-2022 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 Sakra P.S. Case no. 196 of 2021 instituted for the offence under Sections 30(a)(c)(d)(9)/35/37(a)(b) of Bihar Prohibition & Excise Act, 2016.

Prosecution case relates to recovery of 19.800 litres of illicit wine from the house of co-accused Chandan Kumar. Co-accused Chandan Kumar apprehended from the spot.

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. Petitioner has no concern either with the seized illicit liquor or with the place of occurrence. It is also submitted that petitioner has no concern with the motorcycle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from the conscious possession of the petitioner.

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 Special Case No. 1376 of 2021 arising out of Sakra P.S. Case no. 196 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 Court of learned



Exclusive Special Excise Court No. 1, Muzaffarpur subject
to the conditions as laid down under section 438(2) of the
Cr.P.C.

(Sunil Kumar Panwar, J)

nirajkrs/-

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