

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66229 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- JAMHOR District- Aurangabad

Chunmun Chaudhary @ Abhishek Kumar @ Abhishek Nishad Son Of Srikant
Chaudhary Resident Of Village- Deohara, P.S.- Goh, District- Aurangabad
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 09-12-2022 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 Jamhore P.S. Case no. 44 of 2022 instituted for the offence under Sections 30(a), 30(c), 33, 36 of Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 1680 liters spirit from trolley of the tractor.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been made accused in this case on the basis of mere suspicion. He has no concern either with the alleged recovery of illicit spirit or tractor in question. It is further submitted that the name of the petitioner is transpired in



this case on the basis of confession made by co-accused namely, Dipak Kumar who was apprehended on spot. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

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 Jamhore P.S. Case no. 44 of 2022, 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-II, Aurangabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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