

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67748 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- ARWAL District- Jehanabad

MUNNA KUMAR @ MUNNA KUMAR CHAUDHARY SON OF LATE
RAMESH CHAUDHARY R/O VILLAGE- JAGJIVAN NAGAR, P.S.-
BETTIAH TOWN, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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 Arwal P.S. Case no. 330 of 2021 instituted for the offence
under Sections 30(a), 33, 41 of the Bihar Prohibition of Excise
Act.

Prosecution case relates to recovery of 4000 litres
spirit from the truck of the petitioner and Ramesh Mahto and
Sunil were apprehended who are driver and khalasi of the said
truck, who disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no



offence. Petitioner has no concern with the alleged recovery. Because of his ownership, he has been implicated in the present case. The name of the petitioner has been disclosed in this case by the apprehended accused Ramesh Mahto and Sunil Kumar 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 his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Petitioner is directed to deposit Rs. 80,000/- (Rs. Eighty thousand) in the concerned DLSA.

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 Arwal P.S. Case no. 330 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 2nd Additional Sessions Judge-cum-Special Judge, Excise, Jehanabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.



The bail bonds of the petitioner shall be accepted by the learned court below on showing receipt of deposit of Rs. 80,000/- (Eighty thousand only) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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