

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5722 of 2023

Arising Out of PS. Case No.-78 Year-2020 Thana- PIPRAKOTHI District- East Champaran

GAJENDRA CHAUDHARY S/o Asaarfi Chaudhari R/o Village-
Hathiyahi,P.S.- Pipra Kothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.I, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 332, 333, 353, 225 of the Indian Penal Code and Section 45 of Bihar Prohibition and Excise Amendment Act, 2018.

Allegedly, 36 cartoons of wine has been recovered near the pond. During the course of seizure, suddenly all the FIR named accused persons along with 50-60 unknown villagers armed with lathi, danda and iron rod attacked upon the police officials and released the apprehended accused persons from the custody of the police.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case on the basis of suspicion. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither petitioner is named in the FIR nor anything has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. He was not apprehended on the spot. Similarly situated co-accused persons have been enlarged on bail by a co-ordinate bench of this court vide order dated 26.08.2021 passed in Cr. Misc. No. 32203 of 2021. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as petitioner is not named in the FIR and nothing has been recovered from his physical possession, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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
Pipra Kothi P.S. Case No. 78 of 2020, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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