

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9813 of 2023

Arising Out of PS. Case No.-332 Year-2021 Thana- BAKHARI District- Begusarai

1. PUSHPAM KUMAR @ PUSHO Son of Late Laddu lal @ Late Laddu Lal Sada R/V- Bagwan PS- Bakhri, Dist- Begusarai
2. Sonu Raj @ Sudhir Kumar Son of Jalim Sada R/o Bagwan, Ward no. 11, P.S- Bakhri Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate.

For the Opposite Party/s : Dr. Indihar Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioners seeks permission to withdraw the present application in respect to the petitioner no. 2, as the petitioner no. 2 has been arrested.

Permission is accorded.

Accordingly, the present application in respect to the petitioner no. 2 stands dismissed as withdrawn.

The petitioner is apprehending his arrest in connection



with Bakhri P. S. Case No. 332 of 2021 registered for the offences punishable under Sections 414, 467 and 120B read with Section 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act

As per the prosecution case, total 2964.96 litres of illicit liquor was recovered from a truck bearing registration no. BR-11L-8911.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is not named in the F.I.R. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is no concern with the said vehicle nor with the alleged recovery. The petitioner has not the owner of the said vehicle. The petitioner was not present at the place of occurrence. The name of the petitioner has sprung up during the course of investigation. Learned counsel has further submitted that no case is made out against the petitioner. The petitioner is accused in one more criminal case which relates to similar nature as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let



the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Begusarai in connection with Bakhri P. S. Case No. 332 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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