

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10642 of 2023

Arising Out of PS. Case No.-165 Year-2022 Thana- BAKHTIARPUR District- Saharsa

1. PRADEEP KUMAR CHOUDHARY @ PRADEEP CHOUDHARY S/O LATE BHOLA CHOUDHARY Resident of Village- Chowk Bazar Ward no.- 9 Sitanabad South, P.S.- Simri Bakhtiarpur (Sitanabad), District- Saharsa.
2. SUJIT KUMAR CHOUDHARY @ SUJIT CHOUDHARY S/O LATE BHOLA CHOUDHARY Resident of Village- Chowk Bazar Ward no.- 9 Sitanabad South, P.S.- Simri Bakhtiarpur (Sitanabad), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Randhir Kumar No.1, Adv.
For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-07-2023 Heard the parties.

Vide order dated 24.04.2023, this application with regard to petitioner no.1 was dismissed as withdrawn.

Today, it is being heard for consideration of bail of petitioner no.2 only.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 41 of the Bihar Prohibition and Excise Act.

Altogether 618.75 litres of foreign liquor is said to have been recovered from a tractor. It is alleged that petitioner and others fled away from the spot and some were apprehended.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the confessional statement of apprehended co-accused. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no concern with the vehicle from which recovery was made or the motorcycles seized from the spot. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.2 is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner no.2, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Simri Bakhtiarpur P.S. Case No.165 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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