

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13208 of 2023

Arising Out of PS. Case No.-214 Year-2022 Thana- KALYANPUR District- Samastipur

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PRABHAT KUMAR S/O SANJAY CHOUDHARY Resident of Village-
Nimchak Haider, P.S.- Chakmehsi, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 28-02-2023 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.

The petitioner is apprehending his arrest in connection

with Kalyanpur P. S. Case No. 214 of 2022 registered for the

offences punishable under Sections 30 (a), 41(i) and 47 of the

Bihar Prohibition and Excise Act.

As per the prosecution case, total 86.760 litres of

illicit foreign liquor was recovered from container truck bearing

registration no. UP-75M-6516. The apprehended person

disclosed the name of the petitioner.

Learned counsel for the petitioner has submitted that

the petitioner has falsely been implicated in this case. Nothing

has been recovered from the conscious possession of the



petitioner. The petitioner has neither any concern with the said vehicle nor with the alleged recovery. The name of the petitioner has transpired on the basis of the disclosure of the apprehended person. The petitioner is accused in eight other criminal cases, out of which three cases are related to similar nature of offence 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, Samastipur in connection with Kalyanpur P. S. Case No. 214 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

Further conditions are as follows:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates



without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

2. If the petitioner is found involved in similar nature of offence, the prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Chandra Prakash Singh, J)

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