

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34827 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- SIMRI District- Buxar

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1. PRAMOD CHOUBEY @ CHHOTU CHOUBEY @ PRAMOD KUMAR CHAUBEY Son of Rambabu Choubey Resident of village - Simri (Dudhipatti), P.S. - Simri, Distt. - Buxar.
 2. Rajiv Rai @ Chandan Rai Son of Ram Narayan Rai Resident of village - Simri (Dudhipatti), P.S. - Simri, Distt. - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha
For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-06-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application in respect of petitioner no.1, Pramod Choubey @ Chhotu Choubey @ Pramod Kumar Chaubey as he has already been apprehended by the police during pendency of this application.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.1 is concerned.

Now, the instant anticipatory bail application survives only against petitioner no.2, Rajiv Rai @ Chandan Rai.

Heard learned counsel for the petitioner and learned APP for the State.



The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

38.52 litres of foreign liquor has been recovered from a sack tied with a motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the local *Chowkidar* has disclosed the name of the petitioner. It is also submitted that there is no recovery from the conscious possession of the petitioner.

Petitioner is agree to deposit a sum of Rs. 10,000/- (rupees ten thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Taking into consideration the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks



from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.-II, Buxar in connection with Simri P.S. Case No.96 of 2023, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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