

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38664 of 2023**

Arising Out of PS. Case No.-106 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

GOLU CHAUHAN @ AJAY CHAUHAN @ AJAY KUMAR PRASAD, Son
of Manoj Chauhan @ Manoj Kumar Prasad, Resident of Village- Thepahan
Uttar Tola, P.O.- Thepaha Bazar, P.s. - Ziradei, Distt. - Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 31-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Siwan Muffasil P.S. Case no. 106 of 2023, registered under section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on search being conducted 58.500 litres of IMFL was recovered from a vehicle and two accused persons namely, Ganesh Kumar and Mithlesh Kumar were arrested. The informant further states in the F.I.R that he received secret information from spies to the effect that the liquor belonged to Golu Chauhan (petitioner herein) and one Vishal Sharma.

4. Learned counsel for the petitioner submits that



from the F.I.R itself it would transpire that neither the petitioner was not arrested at the spot nor any incriminating article has been recovered from his possession. His name was not even taken by the F.I.R named accused who were caught at the place of occurrence but the informant claims that the name of the petitioner was taken by some spy without disclosing as who took the petitioner's name. The petitioner has no criminal antecedent and undertakes to cooperate in the case.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R., no incriminating article having been recovered from the petitioner's possession, the name of the petitioner having transpired on the information provided to the informant by some spy together with the petitioner not having any criminal antecedent, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Siwan Muffasil P.S. Case no. 106 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Siwan, subject



to the conditions as laid down under section 438(2) of the Code
of Criminal Procedure.

(Partha Sarthy, J)

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