

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42338 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- KATEYA District- Gopalganj

KAMLESH CHAUHAN SON OF NARESH MAHTO @ NARESH
CHAUHAN RESIDENT OF VILLAGE- DEURIA, PS- KATEYA,
DISTRICT -GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. 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 (Amendment) Act, 2018.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 18 litres of liquor from a bicycle and 16.6 litres of liquor from a sack allegedly to be thrown by the petitioner.

Learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be implicated based on the confessional statement of co-accused



Rajan Baitha in police custody which does not have any evidentiary value in the eye of law. It is further submitted that even the Chawkidar with whom the petitioner is on an inimical term named him. It is next submitted that the alleged recovery of 16.6 litres is from a place which is an open place and is accessible to public at large.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the 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 released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One 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 Kateya P.S. Case No. 107 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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