

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47509 of 2023

Arising Out of PS. Case No.-823 Year-2022 Thana- PATLIPUTRA District- Patna

CHANDAN KUMAR Son of Ajay Sharma R/o Locality - Indrapuri, Road no. 06, Renter in House no. 11, P.S. - Patliputra, Distt. - Patna and permanent R/o Vill - Gandhar, P.S. - Ghosi, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Patliputra P.S. Case No. 823 of 2022 for the offence under section 30(a)/41(i) of the Bihar Prohibition and Excise Act, 2016 lodged on 01.12.2022 by the informant, Ramakant Thakur.

As per the prosecution story, the Police team were on patrolling duty and upon confidential information that the accused persons are delivering illicit liquor, raided a house in Indrapuri and on search, from the room and scooty, 98.625 liters of illicit indian made foreign liquor was recovered/seized. Further, Raushan Kumar and Purushottam Kumar were apprehended who named this petitioner. Accordingly, the F.I.R.



It is the case of the petitioner that he had nothing to do with the house or Purushottam Kumar/Raushan Kumar, is a renter there, pursuing studies and due to enmity, they named him.

Learned APP opposes the prayer stating that he has been specifically named by two apprehended persons.

Considering the fact that recovery/seizure was made from the room and scooty, two persons already apprehended, the petitioner name has come in the confession and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise, Patna, in connection with Patliputra P.S. Case No. 823 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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