

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60645 of 2023

Arising Out of PS. Case No.-93 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Chhotu Kumar @ Himanshu S/O Ramashray Ram R/O Village- Rauna, Ps.
Gaighat, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Gaighat P.S. Case No. 93 of 2022 instituted under Sections 272, 273, 414 and 34 of the Indian Penal Code read with Sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, 68.500 litres illicit liquor has been seized from the Ambulance. Three persons were arrested from the spot and some accused including the petitioner managed to escape from the spot.

4. Learned counsel for the petitioner submits that petitioner is the owner of the Ambulance. He had no knowledge about the transportation of the illicit liquor by the Ambulance.



There is no recovery from the conscious possession of the petitioner. Except that petitioner is the owner of the Ambulance, there is no material against him. Petitioner was not the driver of the seized Ambulance. He has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Spl. Judge Excise Court No. 1, Muzaffarpur in connection with Gaighat P.S. Case No. 93 of 2022, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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