

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56891 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- BAIRIYA District- West Champaran

Jhunnu Prasad @ Zunnu Prasad, S/O Bagar Prasad, Resident of Village-
Malahi Tola Ward No. 7, P.S. Bairiya, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bairiya P.S. Case No. 384 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 353, 342 and 504 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on raid 10 pieces of Banti and Babli mark wine was recovered. During preparation of seizure list 11 named accused persons alongwith 15 to 16 unknown persons came their and snatched the seized wine and fled away. Those persons including the petitioner were identified by the Chaukidar.

4. Learned counsel for the petitioner submits that the



petitioner was not present on the spot and has falsely been implicated in this case. The allegation is general and omnibus. There is no recovery from the conscious possession of the petitioner. The petitioner has one criminal antecedent in which he is on bail.

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

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of his 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 Special Judge, Excise, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 384 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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