

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58041 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- KOTWA District- East Champaran

Bikash Singh S/O Pitambar Singh R/O Village- Patti Jasauli, P.O. And Ps.
Kotwa, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and

learned counsel for the Additional Public Prosecutor for the

state.

2. The petitioner apprehends his arrest in connection with Kotwa P.S.Case No. 222 of 2022 instituted under Sections 272 and 273 of the Indian Penal Code and section 30(a), 36, 41 (i) of Bihar Prohibition & Excise Amendment Act.

3. As per the prosecution case, total 277.875 liters of foreign liquor was recovered from the truck and co-accused Parmeshwar Sahani disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. Petitioner is neither driver nor owner of the said vehicle. He submits that petitioner was not apprehended on the spot and nothing has been recovered from his conscious possession. Petitioner's name has transpired on the basis of disclosure made by the co-accused. Similarly situated other co-accused persons have been granted anticipatory bail by a co-ordinate bench of this Court vide order dated 24.08.2022 in Cr. Misc. No. 28170 of 2022, vide order dated 14.10.2022 in Cr. Misc. No. 44654 of 2022, vide order dated 21.10.2022 in Cr. Misc. No.45987 of 2022, vide order dated 25.11.2022 in Cr. Misc. No.58642 of 2022.

5. Learned APP for the State Opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of the 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 Special Judge Excise,



Motihari, East Champaran in connection with Kotwa P.S.Case No. 222 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. Subject to further condition that he shall attend the trial court on each and every date in person for the period of nine months or till conclusion of his trial whichever is earlier and if he fails to do so on two consecutive dates without any genuine cause, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Sunil Dutta Mishra, J)

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