

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58856 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- BIHRA District- Saharsa

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Pappu Chaudhary @ Rajesh Kumar Chaudhari @ Rajesh Chaudhary, Aged
about 29 years, Male, Son of Shatrudhan Chaudhari Residents of Village-
Mirjawa P.S- Triveniganj, District- Supaul. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the State : Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30(a) and
41(1) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases.

4. Allegation is of recovery of 5637.880 liters of liquor
from a truck.

5. 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 in
police custody which does not have any evidentiary value in the
eye of law. It is further submitted that the petitioner is not the



owner of the truck. It is next submitted that the police because of his antecedent falsely got him implicated in the confessional statement of co-accused. Similarly situated co-accused, namely, Mukesh Kumar Sah @ Mukesh Sah has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 19.05.2023 in Criminal Miscellaneous Application No. 31221 of 2023.

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

7. 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.10,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Saharsa in connection with Bihra P.S. Case No. 253 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Sunil Dutta Mishra, J)

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