

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62732 of 2022

Arising Out of PS. Case No.-455 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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RAMPUKAR CHOWDHARY S/o Harihar Choudhary R/o Imlichowk, Nr.
Hamunam of and ir Paigambarpur Kothua, P.S.- Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-02-2023 Heard the parties.

This case has been listed today under the heading “For
Orders (On Office Notes)”.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks from today.

As prayed for, the P.S. Case No. mentioned in para-1 and
prayer portion of this application be read as 455C2/19 in place
of 445C2/19.

Petitioner apprehends his arrest in connection with a case
registered for the offence punishable u/s 30(a) of the Bihar
Prohibition and Excise Act.

Altogether 180 litres of foreign liquor is said to have been
recovered from a Bolero Pickup Van and the driver was
apprehended on spot who disclosed that the van belongs to the



petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case as he is the owner of the said Pickup Van but the same was sold to one Md. Samsher, prior to the date of occurrence in the year 2018 itself. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/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.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with 455C2/19, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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