

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62069 of 2023

Arising Out of PS. Case No.-157 Year-2023 Thana- KADWA District- Katihar

MD. CHHOTU @ MOJASSAM Son of Md. Sarwar R/o vill - Chouni, P.S. -
Kadwa, Dist. - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Saghir Ahmad, Advocate
For the Opposite Party : Mr. Arun Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Kadwa P.S. Case No. 157 of 2023 dated 17.07.2023 instituted
for the offence punishable under Section 30(a) of the Bihar
Excise Prohibition Act, 2016 and 25(1-b)a/26/35 of the Arms
Act.

3. Allegation against the petitioner is recovery of 750
ml foreign liquor, one country made pistol and one live
cartridges from a Maruti 800 car, bearing Chassis No.
CH01Y2099.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in this
case. It is submitted that the petitioner has not been arrested on



the spot. It is submitted that the petitioner is not named in the F.I.R. and only on the basis of confessional statement of co-accused, namely, Dilber he has been made accused in this case. It is further submitted that the petitioner has no concern with the said vehicle and other recovered articles. Lastly, it has been submitted that nothing has been recovered from the conscious possession of the petitioner and he has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kadwa P.S. Case No. 157 of 2023, he shall be released on anticipatory 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 Excise A.D.J. II, Katihar, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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