

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70745 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- CHACKMEHSI District- Samastipur

PRABHAT KUMAR @ PRABHAT KR. CHAUDHARY son of Sanjay
Choudhary Village- Nimchak Haider Ps- Chakmeshi Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Adv

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chakmehsi P.S. Case No. 72 of 2023 registered on 09.04.2023
lodged under Sections 420, 468, 471, 414/34 of I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against 22 named accused persons including the petitioner and
total recovery of 5951 litre of wine is the subject matter of the
present case.

4. Counsel for the petitioner submits that the said
recovery has been maid from the different vehicle, the petitioner
neither owner nor driver nor *khallasi*. He also submits that the
recovery has not been made from his possession. Counsel



submits that the name of the petitioner has been figured in this case by the virtue of confessional statement of the co-accused who has apprehended on the spot and only apprehension has come in the F.I.R, that he is the person who used to deal the entire business.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 14.06.2023 having six criminal case pending against him initially, but subsequently, counsel for petitioner filed supplementary affidavit indicating that there are total 13 cases pending against him. Out of 13 cases, 6 cases are related to Excise Act and rest are of other nature. Counsel submits that he is on bail in all the cases

6. Learned counsel for the State opposes the prayer for bail and submits that petitioner is the king pin in this case and used to operate the entire business of selling of wine and at the time of granting bail, antecedent of the petitioner shall be taken into consideration.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the application for regular bail is rejected. However, liberty is granted to the petitioner to renew



his prayer for bail after framing of charge.

(Dr. Anshuman, J)

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