

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69706 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- PATEPUR District- Vaishali

Chetan Ram S/o Uda Ram R/o village - Khartaniya Ka Tola, P.S. - Gida,
Dist. - Barmer (Rajasthan).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Patepur P.S. Case No. 201 of 2023 registered for the offences punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. Allegedly, the police on a secret information with regard to the paddling of liquors, conducted raid and seized a truck. However, noticing the police party, the accused persons succeeded in fleeing away, who have been identified later on. Subsequently, the name of the petitioner transpired on the confessional statement of the owner of the truck in question. It is further alleged that in course of search, 2082.96 Indian Made Foreign Liquor was recovered.



4. Learned counsel for the petitioner submits that from the materials available on record, it is evident that the name of the petitioner has transpired on the confessional statement of co-accused, who is said to be truck owner and barring the said confessional statement, there is nothing which suggests the complicity of the petitioner in the present crime. That apart, the petitioner has neither any concern with the truck in question nor with the alleged recovered illicit wine. Moreover, co-accused person whose name was disclosed by the Chowkidar has been allowed the privilege of anticipatory bail by the co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 60501 of 2023. He lastly submits that the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceedings of the Court or in the investigation.

5. On the other hand, learned counsel for the State opposes the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner transpired on the confessional statement, coupled with the fact that the co-accused person, who was identified by the local Chowkidar has been allowed the privilege of bail, apart from his fair antecedent, let the above named petitioner, be



released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Hajipur at Vaishali in connection with Patepur P.S. Case No. 201 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the local residence of the petitioner.

(Harish Kumar, J)

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