

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70912 of 2022

Arising Out of PS. Case No.-992 Year-2022 Thana- FORBESGANJ District- Araria

CHHOTU KUMAR @ CHANDRA SHEKHAR KUMAR MANDAL S/o
Gulab Chand Mandal R/v- Amhara, Madhubani, Ward No.- 08, P.S.-
Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 30 (a) of Bihar Prohibition and
Excise Act, 2016.

Altogether 11.250 liters of foreign liquor is said to have
been recovered from the strew house of co-accused Sunil Ku-
mar and he disclosed the name of the petitioner and other ac-
cused persons.

Learned counsel for the petitioner submits that petitioner
is quite innocent and has committed no offence. No incriminat-
ing article has been recovered from conscious physical posses-
sion of the petitioner. He has no concern either with the seized



liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of confessional statement of apprehended co-accused. He further submits that the alleged recovery has been made from the strewn house of the co-accused and the petitioner has no concern with it. Petitioner has no criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Forbesganj P.S. Case No.992 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:



(i) 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 aforesaid in the PM Cares fund.

(Anjani Kumar Sharan, J)

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