

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72969 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- AMBA District- Aurangabad

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GOPAL CHAUDHARY, aged about 39 years (Male), Son of Lalu Chaudhary,
R/V- Khairi Taira Tola Rahman P.S- Gurua Dist- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Nand Kishore Prasad Sinha, Advocate
For the Opposite Party : Mr. Syed Mojibur Rahman, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Amba P.S. Case No. 81 of 2021 for the offence registered under Sections 30(a)(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 35 kgs. Mahua Flower is said to have been recovered from the Motorcycle of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged



against the petitioner. It is alleged that total 35 kgs. Mahua Flower is recovered from the Motorcycle of the petitioner. The petitioner is not named in the F.I.R. The petitioner is alleged to be the owner of the said Motorcycle in question. The name of the petitioner has transpired in the present case on the basis of seized Motorcycle. The said Motorcycle was given by the petitioner to his co-villager for his personal use. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances,



the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge, Excise, Aurangabad, in connection with Amba P.S. Case No. 81 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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