

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2229 of 2023

Arising Out of PS. Case No.-376 Year-2022 Thana- PAHARPUR District- East Champaran

Chandeshwar Kushwaha @ Chandeshwar Prasad Son Of Yogi Kushwaha R/O
Village- Satha Manguraha, P.S.- Paharpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandeshwar Kushwaha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is apprehending arrest in connection
with Paharpur P.S. Case No. 376 of 2022 under sections 272,
273 of the Indian Penal Code and 30(a)/38/41 of Bihar
Prohibition and Excise Act.

As per the prosecution story, the police upon
information intercepted a car and upon search the vehicle,
recovered 77.760 liters of foreign liquor and upon further
information moved towards the petitioner's poultry farm and it
is alleged that opposite the said poultry farm from the hut
11.160 foreign liquor were recovered/seized.



Accordingly, the FIR.

Learned counsel for the petitioner submits that so far as the recovery from the car is concerned, he do not own the said vehicle and the other recovery from the hut, the contention of the learned counsel for the petitioner is that even the said does not belong to him.

Learned APP opposes the prayer.

Considering the aforesaid submission put forward by the learned counsel for the petitioner as also he do not have criminal antecedent, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.I, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 376 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

