

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74452 of 2022

Arising Out of PS. Case No.-394 Year-2021 Thana- PAROO District- Muzaffarpur

CHANDESHWAR KUMAR @CHANDESHWAR RAI Son of Dhodha Rai
R/V- Bahdinpur, P.s- Paroo, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with Paroo P.S. Case No.394 of 2021 instituted under Sections 30(a) of Bihar Prohibition & Excise Act.

As per the prosecution story, the police got secret information and reached the place for which the information they received. The accused persons tried to escape and the locals gave their names which included the petitioner herein. Further, from an Activa, 81 liters of foreign liquor was recovered. Thereafter the police got another secret information that three persons are removing liquor from the garden of Mithlesh Kumar Yadav and accordingly, the police also reached there, the accused persons managed to escape but on the search of the



garden of Mithilesh Kumar Yadav 123.45 liters of foreign liquor was recovered/seized. Accordingly, the FIR was lodged against amongst other Vijay Bhagat, Mithilesh Kumar Yadav and Chandeshwar Rai, the present petitioner.

Learned counsel for the petitioner submits that petitioner was not at all present at the place of occurrence, rather he is an agriculturist and without any specific source of identification, the Investigating Officer named the petitioner. Further, submission is that several persons were involved in the occurrence but the name of the accused person have come on the basis of confessional statement. Further submission is that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.50,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that the recovery is from an open field, the motorcycle does not belong to the petitioner, his name has come on the basis of disclosure made by the local villagers, this Court is inclined to grant him privilege of anticipatory bail, subject to payment of Rs.50,000/- as stated



above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Paroo P.S. Case No.394 of 2021 to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(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 will make himself available to the police as and when required in course of investigation;

(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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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