

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19232 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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Santosh Kumar, aged about 20 year (Male), S/O Kishun Choudhary, R/O
Village- Masaura, P.S- Kundwa Chainpur, Distt.- East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Opposite Party : Mr. Ramesh Chandra, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kundwa Chainpur P.S. Case No. 04 of 2024 dated 06.01.2024 registered for the offences punishable under Section 414/34 of the I.P.C. and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 243 litres of Nepali Kasturi liquor was recovered from the car in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the possession of the petitioner. It is submitted that the petitioner is



not the owner of the car in question. The name of the petitioner has sprung up in the present case on the basis of the disclosure made by the local people of the place of occurrence. There is no compliance of Section 100 of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, East Champaran at Motihari in connection with Kundwa Chainpur P.S. Case No. 04 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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