

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18234 of 2024

Arising Out of PS. Case No.-582 Year-2023 Thana- GAURICHAK District- Patna

BHOLA KUMAR @ CHONGA SON OF BABAN SINGH RESIDENT OF
VILLAGE - FATEHPUR, P.S. - DIDARGANJ, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 332, 333, 353, 504, 506 and 34 of the Indian Penal Code read with Sections 30(a) and 37 of the Bihar Excise Act and Section 21(a) of the NDPS Act.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case by the informant with an allegation that 1.125 liters of liquor was recovered from the possession of Bhikhu Bhai and 3.90 gram of Brown Sugar (smack) was recovered from the possession of Nikhil Kumar.

4. Learned counsel for the petitioner next submits that



the allegation is in two parts. It is further submitted that the informant alleges that he received information that six named accused persons were indulging in a party based on which the police reached the place of occurrence and arrested Bhikhu Bhai and rest of the accused persons fled away and from the place of party 1.125 liters of liquor was recovered. It is further alleged that when the police was coming to the police station with the apprehended accused persons, a mob gathered and started pelting stones and created ruckus for getting Bhikhu Bhai released from the custody of the police when Nikhil was arrested and from his possession 3.9 gram of Brown Sugar (smack) was recovered, it is thus submitted that petitioner came to be implicated in the instant case based on the information received by the police that a party was going on, in which liquor was found but then the alleged recovery of Brown Sugar is neither from the petitioner nor from the place of occurrence where the party was going on. The learned counsel, at the cost of repetition, submits that petitioner was implicated in the first part of the allegation as alleged in the FIR. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Gaurichak P.S. Case No. 582 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailors of the petitioner shall be his father namely Baban Singh.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

9. It is further made clear that if after investigation charge sheet is submitted connecting the petitioner with the



offence of NDPS, in that event, the present anticipatory bail
order shall lose its effect.

(Satyavrat Verma, J)

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