

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31859 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- SALIMPUR District- Patna

=====

Akshay Kumar @ Chuha, aged about 22 years, Male, Son of Satyendra Shaw
@ Shikandra Shaw @ Sikandar Prasad, R/O Village- Bihta, P.S.- Salimpur,
District-Patna, at present:- Kaimashikoh, P.S.- Chouk Thana, Patnacity, Dist-
Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : M/S. Suraj Kumar and Prasoon Kumar, Advocates
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

=====

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

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Salimpur P.S. Case No. 248 of 2023 dated
10.11.2023 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2022.

3. As per the prosecution case, total 44 litres of wine
is said to have been recovered from the house of the co-accused
Meena Gupta @ Meena Devi and who disclosed the name of the



petitioner as fleeing person from the place of occurrence.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the alleged recovery of wine. No incriminating article has been recovered from possession of the petitioner. The petitioner was not arrested on the spot. His name has sprung up in the present case on the basis of the confessional statement of the co-accused Meena Gupta @ Meena Devi. 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 Exclusive Special Judge, Excise, Barh, Patna, in connection with Salimpur P.S. Case No. 248 of 2023, 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)

U.K./-

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

