

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43647 of 2024

Arising Out of PS. Case No.-101 Year-2024 Thana- SIMRI District- Buxar

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Bhim Mallah @ Bhim Choudhary Son Of Chunmun Mallah @ Chaturgun
Mallah @ Shaturgan Mallah Village- Simari Khaira Patti, P.S.- Simari, Distt.-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Simari (Hata)
P.S. Case No. 101 of 2024, registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 325.44 liters
liquor was recovered from Bolero vehicle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. It is submitted
that the petitioner is neither owner nor driver of the vehicle in



question and name of the petitioner has transpired on the basis of confessional statement made by co-accused Chunmun Kumar which has no evidentiary value. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Simari (Hata) P.S. Case No. 101 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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