

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49159 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- CHAORI District- Bhojpur

Chandeshwar Choudhary, aged about 50 years, Male, Son Of Ramraj Choudhary, R/O Village- Babubandh, P.S.- Chauri, Distt.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate
For the Opposite Party : Mrs. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Chauri P.S. Case No. 35 of 2024 dated 25.03.2024 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 60 litres of illicit country made liquor kept in two sacks between the co-accused persons Kumar Gaurav and Manish Kumar who were sitting on a motorcycle was recovered. The aforesaid two co-accused persons Kumar Gaurav and Manish Kumar have disclosed the name of the petitioner and the co-accused person Lalu



Chaudhary.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not apprehended on the spot. The name of the petitioner has come in the present case on the basis of the confessional statement of the co-accused Kumar Gaurav and Manish Kumar. No incriminating article has been recovered either from the possession of the petitioner or from his house. The confessional statement of the co-accused Kumar Gaurav and Manish Kumar has got no evidentiary value in the eye of law. The petitioner has no concern with alleged recovery of liquor or with the seized motorcycle in question. There is no statutory compliance of Section 100 of the Cr.P.C. The other co-accused person Mukesh Kumar Choudhary @ Lalu Choudhary has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 43951 of 2024 under order dated 26.06.2024. The petitioner has one criminal 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 before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-1, Bhojpur, Ara or its Successor Court, in connection with Chauri P.S. Case No. 35 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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