

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53225 of 2024

Arising Out of PS. Case No.-195 Year-2021 Thana- MANIGACHI District- Darbhanga

SHARWAN @ CHOUDHARY SHARWAN KUMAR ROY S/O
CHOUDHARY RAMANUJ RAY R/O VILLAGE- BATHO, P.S- BHASOUR,
DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhumala Kumari, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending his arrest in connection with Manigachhi P.S. Case No. 195 of 2021 registered for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, recovery of 1505.550 liters of India made foreign liquor was made from a Bolero vehicle and it is alleged that the petitioner and other co-accused persons fled away from the spot when the raid was being conducted.

4. Learned counsel for the petitioner submits



that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that petitioner has not been apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. He has been made accused in this case merely on suspicion. Moreover, petitioner is neither the driver nor the owner of the seized vehicle and he has no connection with the other co-accused persons. Similarly placed co-accused Deo Kumar Yadav has been granted anticipatory bail vide order dated 01.04.2022 passed in Cr. Misc. No. 13116 of 2022 by a Coordinate Bench and also co-accused Santosh Jha has been granted regular bail by this Court vide order dated 24.11.2022 passed in Cr. Misc. No. 57232/2022. The petitioner is having two criminal antecedents of similar nature.

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

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with Manigachhi P.S. Case No. 195/2021, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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