

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63019 of 2024

Arising Out of PS. Case No.-235 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Ashok Chaudhary @ Ashok Mahto Son of Vishwanath Chaudhary Resident
of village- Jhakiya, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The state of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-10-2024 Learned counsel for the petitioner is permitted to

delete Para 13 of the bail petition filed on behalf of the

petitioner during the course of the day.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Excise Case No. 235 of 2021 registered for the
offences punishable under Sections 30(a), 35 and 38 of the
Bihar Prohibition and Excise Act.

4. As per prosecution report, 3593.520 litre foreign
liquor was recovered from the truck in question. Petitioner is
said to be one of the co-accused persons who succeeded in
fleeing away from the place of occurrence.



5. Learned counsel for the petitioner orally submits that the name of the petitioner has been transpired in this case upon the confessional statement of co-accused Vikram Singh Meghwal. Except confessional statement of the said co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Seizure list has not been made as per the law. No incriminating article has been recovered from the conscious possession of the petitioner. He was not found at the place of occurrence. He further submits that petitioner is not owner of the truck in question, as mentioned in Para 8 of the bail petition. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge – II -Cum- Special Judge, Excise, Motihari, East Champaran in connection with Excise Case No. 235 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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