

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71899 of 2024

Arising Out of PS. Case No.-136 Year-2024 Thana- KATRA District- Muzaffarpur

Arun Kumar S/O Ram Ekbal Chaupal R/O Village- Changel, P.S- Katra
(Jajuar O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Bela Singh, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Katra P. S. Case No. 136 of 2024 dated 07-08-2024 instituted
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The allegation is of recovery of total 261 litres of
illicit country made foreign liquor from the bush beside the road
near the house of Dahaur Miya in village Katai.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from conscious possession of the petitioner or from the
house of the petitioner. The name of the petitioner has been



dragged in the instant case only on the basis of secret information of local *choukidar*. The seizure has been made from an open place, which is accessible to all. It is next submitted that the seizure list was prepared in which one of the seizure witnesses, namely, Md. Afraz has put his signature on the seizure list. The said Afraz has an inimical term with the petitioner. It is submitted that petitioner instituted a case bearing Katra PS Case No. 387 of 2022, dated 21-10-2022 under Sections 302, 201, 120B, 279 and 34 of the Indian Penal Code against Md. Nawab @ Guddu and others, including *choukidar*, namely, Md. Afraz for murder of his mother, namely Pavitri Devi. Lastly, it has been submitted that petitioner has one criminal case against him of the same nature.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. III, Muzaffarpur, in



Katra P. S. Case No. 136 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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