

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60813 of 2025**

Arising Out of PS. Case No.-256 Year-2023 Thana- DIGHA District- Patna

Chotu Kumar @ Vishwajeet Kumar Chotu @ Vishwajeet Kumar S/O Sri  
Yogendra Singh Resident of village- Mariyam Colony, P.S.- Digha, District-  
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

2      23-09-2025              Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in a case instituted  
under Sections 25(1-b)a, 26, 35 and 27 of the Arms Act and  
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of one live  
cartridge of 7.65 mm including a mobile phone and a bottle of  
750 ml containing 150 ml Indian made foreign liquor from  
possession of one apprehended accused, namely, Vikky Kumar.  
Three co-accused persons including petitioner are alleged to  
have fled away from the spot on seeing the police.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in this  
case. The name of petitioner has surfaced in the present case on  
the basis of disclosure statement of apprehended accused Vikky



Kumar. Petitioner was not present on the spot at the time of occurrence. Nothing has been recovered from conscious possession or from the house of petitioner. Petitioner has no concern with the seized illicit liquor or incriminating materials. The alleged recovery has been made from co-accused Vikky Kumar, who was apprehended on the spot. Petitioner has one criminal antecedent of Excise Act and he undertakes to cooperate in the investigation and the trial.

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

6. Considering 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 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna in connection with Digha P.S. Case No.256 of 2023 (Special Case No.3357 of 2023, C.I.S. No.2823 of 2023), subject to the conditions as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Harish/-

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(Sunil Dutta Mishra, J)

