

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76163 of 2018

Arising Out of PS. Case No.-387 Year-2018 Thana- BIHIA District- Bhojpur

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Krishna Choudhary Son of late Hartam Choudhary Resident of Baghi, P.S. Bihiya, District- Bhojpur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-12-2018 Heard learned counsel for the petitioner and learned APP representing the State.

Petitioner is seeking anticipatory bail in connection with Bihiya P.S. Case No. 387 of 2018 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. The petitioner has got no criminal history. As per the allegation, 40 bottles each containing 180 ml of illicit liquor were allegedly recovered from the house of the petitioner, but on perusal of the seizure list it would appear that the same has not been signed by any independent witness rather the seizure list has been prepared by police taking signature of two Sepoys on the seizure list.



Learned counsel submits that it is difficult to understand that in a village where the alleged seizure has been made no independent witness was available to the police party. Learned counsel submits that in fact nothing has been recovered from the house of the petitioner, but due to enmity with Chowkidar the petitioner has been trapped in the present case.

Learned APP for the State is present and has opposed the prayer for bail.

In the given facts and circumstances where it appears that the seizure list does not contain the signature of any neighbour or any independent witness and the submission is that because of enmity with the village chowkidar the petitioner, who is a labourer, has been involved in the present case, in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner shall be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned 4th A.D.J.-cum-Special Judge, Excise, Bhojpur at Ara in connection with Bihiya P.S. Case No. 387 of 2018, subject to the condition that petitioner shall join the investigation by reporting to the Investigating Officer within a period of three weeks from today and shall cooperate in course



of investigation, failing which the Investigating Officer shall be at liberty to take steps for cancellation of his bail bond. This will be in addition to condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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