



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024
(@ Special Leave Petition (Crl.) No. 2324/2024)

CHANDAN KUMAR . . . APPELLANT (S)

VERSUS

STATE OF BIHAR . . . RESPONDENT (S)

O R D E R

Leave granted.

This appeal challenges the order dated 12.12.2023 passed by the High Court of Judicature at Patna in Criminal Misc. No. 78776 of 2023.

Apprehending arrest in connection with crime registered pursuant to FIR No. 149 of 2021 lodged with Amba Police Station, Aurangabad, Bihar in respect of the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, the appellant preferred an application before the High Court seeking anticipatory bail in terms of Section 438 of the Code of Criminal Procedure, 1973 ("the Code" for short).

Said application for anticipatory bail has been rejected by the High Court vide impugned order dated 12.12.2023. Hence, instant appeal has been preferred.

Contd..

By order dated 20.02.2024, while issuing notice, this Court granted interim protection in favour of the appellant, stating that no coercive step shall be taken against the appellant subject to his joining the investigation.

We have heard learned Advocate in support of the appellant and learned Advocate for the respondent-State.

During the course of submissions, it was brought to our notice that insofar as five other co-accused are concerned, two accused have been granted anticipatory bail and three other accused are on regular bail.

Learned counsel for the appellant also submitted that there is nothing to connect the appellant vis-a-vis the recovery made from the truck and even though the appellant's name may have been mentioned in the FIR, he was not at the spot when co-accused were apprehended along with foreign liquor. He, therefore, submitted that this is a fit case where anticipatory bail may be granted.

Learned counsel for the respondent/State objected to the grant of anticipatory bail and submitted that the appellant may seek regular bail. He, however, submitted that the appellant has joined the investigation.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under

contd..

Section 438 of the Code.

We, therefore, allow this appeal and set aside the order passed by the High Court dated 12.12.2023. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigation. The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.

.....J.
[B.V. NAGARATHNA]

.....J.
[AUGUSTINE GEORGE MASIH]

NEW DELHI
MARCH 21, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 2324/2024

(Arising out of impugned final judgment and order dated 12-12-2023 in CRM No. 78776/2023 passed by the High Court of Judicature at Patna)

CHANDAN KUMAR

Petitioner(s)

VERSUS

STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and IA No.40399/2024-EXEMPTION FROM FILING O.T.)

Date : 21-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Ayush Anand, AOR
Mr. Siddharth Nayak, Adv.
Mr. Yashraj Singh, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Anant Sangal, Adv.
Mr. Monu Kumar, Adv.

For Respondent(s) Mr. Rishi K Awasthi, Adv.
Mr. Piyush Vatsa, Adv.
Ms. Ritu Arora, Adv.
Mr. Amit Vikram Awasthi, Adv.
Ms. Yukti Anand, Adv.
Mr. Rahul Mishra, Adv.
Mr. Avinash Ankit, Adv.
Mr. Rahul Kumar Gupta, Adv.
Mr. Shubham Saxena, Adv.
Mr. Kapil Kant, Adv.
Mr. Punit Vinay, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The present Appeal is allowed in terms of the signed order.

Contd..

In the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

(signed order is placed on the file)