

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27889 of 2016**

Arising Out of PS.Case No. -174 Year- 2016 Thana -BHAGALPUR KOTWALI District-  
BHAGALPUR

=====

Karu Choudhary son of Late Bhutku Choudhary resident of Pasi Tola, P.S.-  
Ishakchak, District- Bhagalpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance:**

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

2 29-07-2016

Heard learned senior counsel for the petitioner and  
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in  
connection with Kotwali (Barari) P. S. Case No. 174 of 2016  
registered for the offence punishable under Section 47(a) of the  
Bihar Excise (Amendment) Act, 2016.

Senior counsel for the petitioner submits that  
admittedly, there is no recovery from the house of the petitioner.  
The name of the petitioner surfaced on the basis of the statement  
made by the person from whose house the liquor was recovered.  
However, before the learned Court below, the said statement has  
been denied by Subodh Rishidev from whose house, the alleged  
liquor has been recovered.

Considering the nature of allegation made against the petitioner and that there is no recovery from the conscious possession of the petitioner, let the petitioner, in the event of his arrest/surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10000/- (ten thousand) with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 174 of 2016 subject to the conditions as laid down under Section 438 (2) Cr.P.C.

**(Anjana Mishra, J)**

Mishra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|