

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6968 of 2018

Arising Out of PS. Case No.-353 Year-2017 Thana- BIRAUL District- Darbhanga

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Bachcha Choudhary @ Ramendra Choudhary @ Bacha Chandra Choudhary.
S/o Late Mod Narayan Choudhary R/o Village-Dumri, P.O.-Afzala P.S.
Biraul, Dist. Darbhanga-847203

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh
For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 12-02-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in connection with Biraul P.S.
Case no. 353 of 2017 registered under Sections 272, 273/34 of
Indian Penal Code and Section 30(a), 38(i), 41(i) of Bihar
Prohibition & Excise Act-2016.

1160.280 lts. of foreign liquor is said to have been
recovered from the basement of the temple allegedly stored by
the petitioner and others as per secret information received by
the informant.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from his conscious
physical possession. He has no concern either with the place of
recovery or with the seized liquor. Though, petitioner has been



implicated in the case on the basis of secret information but I.O. has not disclosed the identity and genuineness of the information. There is no substantial evidence against the petitioner indicating his complicity in the occurrence. The petitioner has no criminal antecedent. He has been languishing in custody since 02.12.2017. Similarly situated co-accused namely, Tripurary Choudhary @ Pappu Chaoudhary has been enlarged on anticipatory bail by a co-ordinate Bench of this Court vide order dated 11.01.2018 passed in Cr. Misc. no. 1980 of 2018 while Ajay Kumar Choudhary @ Ajay Choudhary has been enlarged on regular bail by a co-ordinate Bench of this Court vide order dated 29.01.2018 passed in Cr. Misc. no. 5073 of 2018.

Considering the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned A.D.J. IVth-cum-Special Judge, Excise Act, Darbhanga in connection with Biraul Darbhanga P.S. Case no. 353 of 2017.

(Prakash Chandra Jaiswal, J)

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