

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10089 of 2019

Arising Out of PS. Case No.-416 Year-2018 Thana- BAHERA District- Darbhanga

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DHIRAJ CHOUDHARY S/o Ram Bilas Choudhary @ Ram Vilas Chaudhary
Resident of Village- Jayantipur Bath, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mr.Nand Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
25.12.2018 in connection with Bahera P.S. Case No. 416 of
2018, G.O. Case No. 873 of 2018 for offences punishable
under Sections 30(a), 32(iii), 41 (i) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel is that on secret information that one Ravindra
Paswan is trading in illicit liquor, the police conducted a raid
and found two motorcycles, one in the name of the petitioner
in the house of co-accused Ravindra Paswan. From the
court-yard and the verandah 67.500 litres of Nepali wine was
recovered and co-accused Ravindra Paswan managed to



escape. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from the conscious possession of the petitioner and only because of the presence of his motorcycle in the house of co-accused Ravindra Paswan, he has been made accused in the present case. He further submits that petitioner undertakes to cooperate in the investigation, not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent as two more cases, although under different offence, are pending against him.

Considering the facts and circumstances and the nature of allegations, let petitioner, above named, be enlarged 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 Addl. District & Sessions Judge-Vth cum Special Judge, Darbhanga, in connection with Bahera P.S. Case No. 416 of 2018, G.O. Case No. 873 of 2018, subject to the condition that one of the bailors would be a



close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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