

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66865 of 2019

Arising Out of PS. Case No.-289 Year-2019 Thana- SARAIYA District- Muzaffarpur

1. Tarkeshwar Choudhary @ Tarkesh Chaudhary, Son of Bansh Lal Choudhary Resident of Village - Supna, P.S.- Saraiya, dist.- Muzaffarpur.
2. Sumangal Sahni Son of Late Ram Sagar Sahni Resident of Village - Chorkariya, P.S.- Kudhani, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 272, 273 and 414/34 of the IPC and Sections 30(a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that on secret information that the illicit liquor is being transported, raid was laid and from a truck, a Pickup van and a Magic van, 1652 litres of Indian Made Country Made Liquor were recovered. It is alleged against the petitioners that they were found fleeing away from the place of seizure.



It is submitted by learned counsel for the petitioners that recovery has not been made from the conscious physical possession of the petitioners. It is further submitted that the petitioners have no concern with alleged seized vehicles, statement to that effect has been made in paragraph no.9 of the petition, which reads as follows:-

“That it is further submitted that the petitioners have no concern with the co-accused, seized vehicles/mobile phone or the place of occurrence.”

It is further submitted that similarly situated co-accused, Prahlad Thakur has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 02.09.2019, passed in Cr. Misc. No. 55541 of 2019. A statement has been made in paragraph no.3 of the petitioner that petitioner no.1 is not having any criminal antecedent, while petitioner no.2 is made accused in one other case of similar nature of offence, in which he is on bail.

Learned APP submits that the petitioners were found fleeing away from the place of seizure.

Considering the nature of recovery and specific statement of the petitioners made in the petition that the petitioners have no concern with the seized vehicles, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within



a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Saraiya P.S. Case No. 289 of 2019, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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