

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5087 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. RAJA RAM CHAUDHARY @ RADHA RAM CHAUDHARY Son of Uma Chaudhary Resident of Village - Bahadur Nagar, P.S.- Muffasil, District - Munger
 2. Anant Chaudhary @ Anant Kumar Son of Natho Chaudhary Resident of Village - Bahadur Nagar, P.S.- Muffasil, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 10-06-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in connection with Sahebpur Kamal P.S. Case no. 332 of 2019, registered under Section 120(B) and 414/34 of the Indian Penal Code and 30(a), 32, 27 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information about presence of two persons in Nexa Baleno car in between village-Malhiupur and Kharahat, the informant along with other Police personnel reached there then saw an orange colour Suzuki Nexa Baleno car without registration



number in which two persons were present, who were apprehended and they disclosed their names Kailash Kumar and Amit Kumar @ Vikash Kumar. On search, 600 bottles, each containing 375 ML Indian made foreign liquor recovered. They also disclosed that they have loaded the liquor from Kharhara, where the liquor was carried loading on container truck and the liquor is also kept there. Thereafter, informant along with other Police personnel reached there then saw a Hundai car without registration number, one Pick-up Magic bearing registration No. WB-15B-4126 and one black colour Piago tempo bearing registration No. BR-34P-1617, one Mahindra Bhumiputra B275DI Modle, one red colour tractor bearing Registration No. BR-9A-8049 and one blue colour trailer without registration number. On seeing the Police personnel, they tried to flee way, but, on chase, two persons were apprehended, who disclosed their names Nabendu Kumar and Amresh Kumar. On search of white colour Hundai car, 10 cartons, containing 240 bottles of 375 ML, from Tata Pick-up ACE Magic vehicle, 66 cartons contained 1584 bottles, each containing 375 ML, from black colour Piago tempo bearing registration No. BR-34P-1617, 13 cartons total 624 bottles, each containing 180 ML, from red colour Mahindra



Bhumiputra B275DI Modal tractor registration No. BR9A-8049 attached with blue colour trailer with registration number, 12 cartons total 286 bottles, each containing 375 ML Indian made foreign liquor recovered. In the campus of additional PHC, 12 cartons total 288 bottles, each containing 375 ML, 47 carton total 2256 bottles, each containing 180 ML, 32 carton total 384 bottles, each containing 750 ML Indian made foreign liquor recovered and at another place 536 bottles, each containing 750 ML, 24 bottles, each containing 375 ML, 1677 bottles, each containing 180 ML and 24 bottles, each containing 780 ML Indian made foreign liquor recovered. The caught hold persons Navendu Kumar and Amresh Kumar disclosed himself as owner of the Piago tempo from which 13 cartons total 624 bottles, each containing 180 ML Indian made foreign liquor was recovered and they also disclosed that petitioners had asked them to carry the alleged liquor.

Learned counsel for the petitioners submits that petitioners were not apprehended on the spot, rather, their names surfaced in the confessional statement of Amresh Kumar, who was owner of Piago tempo from which alleged Indian made foreign liquor is said to be recovered. The petitioner has no criminal antecedent and they have falsely



been implicated in this case due to dirty village politics.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Sahebpur Kamal P.S. Case No. 332 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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