

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19296 of 2020**

Arising Out of PS. Case No.-31 Year-2019 Thana- MORO District- Darbhanga

Prabhat Choudhary @ Chhotu, Son of Sanjay Choudhry @ Sanjay Kumar Choudhry, Resident of Village - Chakhedar, P.S. - Chakmehsi, District - Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 05-06-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within two weeks from start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Moro P.S. Case No. 31/2019 registered for the offences punishable under Section 420 of the Indian Penal Code, 30(a) OF Bihar Prohibition and Excise Act, 2016 and 25(1-b)a, 26, 35 of Arms Act.

Learned counsel for the petitioner submits that no illicit liquor has been recovered from the possession of the petitioner. The recovery was made from the co-accused Ravi Shankar Thakur and at his instance when the police party raided



the house of Darbeshwar Paswan a recovery of 225.72 litres was made. Police further recovered 297.85 liters from the room of State Boring near Lagma Pokhar.

Learned counsel further submits that the name of the petitioner has transpired in the confessional statement of the co-accused and apart from that confessional statement no other independent material has been found to connect the petitioner in the present case, as also that the petitioner has remained in custody in connection with this case since 23.01.2020 and investigation against him is complete.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances and the submission of the petitioner that no illicit liquor has been recovered from his possession, recovery was made from the co-accused Ravi Shankar Thakur and at his instance when the police party raided the house of Darbeshwar Paswan a recovery of 225.72 litres was made. Police further recovered 297.85 liters from the room of State Boring near Lagma Pokhar, the name of the petitioner has transpired in the confessional statement of the co-accused and apart from that confessional statement no other independent material has been found to connect the petitioner in



the present case as also that the petitioner has remained in custody in connection with this case since 23.01.2020, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is in any way likely to interfere with the course of trial or tamper with the evidence, let the petitioner above named be released on bail in connection with Moro P.S. Case No. 31/2019 on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge (Excise Act), Darbhanga, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

vats/Rajeev

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

