

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27788 of 2020

Arising Out of PS. Case No.-883 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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MOHAN CHOUDHARY @ RASIKESH CHOUDHARY @ RISIKESH
CHOUDHARY Son of Late Niteshwar Choudhary Resident of Village -
Dhemha, P.S. - Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Ms. Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-11-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

The petitioner seeks regular bail in connection with
Kanti Police Station Case No. 883 of 2019, registered for the
offences punishable under Sections 272/273/ 399/402 of the
Indian Penal Code, Sections 25 (1-b)a/26/27/35 of the Arms Act
and Section 30 (a) of the Bihar Prohibition and Excise Act,
2016.

The allegation, as per the First Information Report, is
that the police, on the basis of secret information that some
miscreants have assembled near the place of occurrence in order
to commit crime, proceeded towards the place of occurrence and
upon seeing the police, the accused persons tried to flee away.



However, one Tata Tiago car, one Hundai Creta car and six motorcycles were recovered by the police and three persons sitting on Tata Tiago car were also arrested by the police, who disclosed the name of the petitioner and other co-accused persons. On search, the police recovered one loaded country-made pistol, 0.375 litres of illicit liquor and 10 litres of spirit from Tata Tiago car and 10 litres of spirit from Hundai Creta car.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and nothing has been recovered either from the conscious possession of the petitioner or the vehicle belonging to him. He further submits that the petitioner is neither the owner of the cars or motorcycles in question and he is in custody since 02.03.2020.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the no illicit liquor or any other incriminating material has been recovered from the conscious possession of the petitioner or from the vehicle belonging to him and he is in custody since 02.03.2020, I am inclined to grant bail to the petitioner.

This application is, accordingly, allowed.



Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Kanti Police Station Case No. 883 of 2019.

It is further made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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