

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25523 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- BACHHWARA District- Begusarai

BITTU CHOUDHARY @ BITTU KUMAR CHOUDHARY Son of Late
Naresh Choudhary @ Naresh Choudhary Resident of Village- Chakaji, P.S.-
Bachhwara, District- Begusarai.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate.
For the State : Mr. Rajendra Prasad Nat, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 04-11-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 21.09.2020, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State, through Video Conferencing.

The petitioner apprehends his arrest in connection with Bachhwara P.S. Case No.14 of 2020 registered under Sections 414 and 120(B) of the Indian Penal Code besides Sections 30(a), 32(2) and 41(2) of the Bihar Prohibition and



Excise Act, 2016.

The accusation is that on receiving the information about dealing of the liquor at Shrawan Tol Diyara, the informant along with other police personnel reached there. On seeing the police party, 4-5 persons started to flee away hither and thither from there but, on chase, four persons were apprehended, who disclosed their name as Gaurav Kumar, Avinash Kumar, Randhir Kumar and Chhotu Kumar. Thereafter, One Mahindra Maxico Pickup van was searched from which 49 cartoons, each containing 12 bottles of 750 ml. Indian Made Foreign Liquor, and 41 cartoons, each containing 48 bottles of 180 ml. Indian Made Foreign Liquor, were recovered. On search of Maruti Suzuki vehicle, 8 cartoons, each containing 48 bottles of 180 ml. Indian Made Foreign Liquor, were recovered. The caught hold persons disclosed the name of owner of the seized liquor as Bittu Kumar, son of Hareram Choudhary and Bittu Choudhary (petitioner), son of Late Naresh Choudhary.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the petitioner was not apprehended on the spot rather his name has been disclosed by the caught hold persons. The petitioner is not the owner of the



seized vehicles from which the alleged recovery of liquor is said to be made. In fact, the petitioner is the resident of the adjacent village of the caught hold persons and due to enmity and grudge, they disclosed the name of the petitioner in the present case. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II, Begusarai-cum-Special Judge, Bihar Prohibition and Excise Act, 2016, in connection with Bachhwara P.S. Case No.14 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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