

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18412 of 2020

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

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Murari Choudhary @ Himanshu Gaurav @ Murari Chodhary, aged about 43 years, Gender Male, Son of Bhupendra Choudhary @ Bhupenddra Choudhary, Resident of Village Patori, P.S. Moro, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary

For the Opposite Party/s : Mr.Rajendra Prasad Nat

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-03-2021 A supplementary affidavit is filed along with the certified copy of the complete FIR. Earlier certified copy of the complete FIR was not filed. Let the same be kept on record.

Heard both sides.

The petitioner apprehends his arrest in Moro P.S. Case No.31 of 2019, registered under Section 420 of the Indian Penal Code, under Section 30(a) of the Bihar Prohibition and Excise Act and under Sections 25(1-b)a/26/35 of the Arms Act.

The informant, S.I. of Moro P.S., alleged that he got information that one Glamour motorcycle without number was going towards Ram Swaroop Chowk. One carton was also tagged with the seat of the motorcycle. One car was also following the motorcycle. On such, the informant went there to



intercept the vehicle and arrested Ravi Shankar Thakur, the driver of the motorcycle and from his possession mobile was recovered. In the carton tagged with the seat of the motorcycle, 24 bottles of Indian made foreign liquor each containing 375 ml. were recovered. On search of the car, Jay Prakash Choudhary, who was driving the car and Aman Kumar, who was sitting on the front seat of the car, were arrested. On search, huge quantity of liquor was recovered. It is further alleged that the apprehended accused disclosed that Prabhat Choudhary @ Chhotu brought the consignment. On the same day, Murari Choudhary, the petitioner, sold the liquor and some liquor was also sold by Prabhat Choudhary.

Learned counsel for the petitioner submits that nothing has been recovered from possession of the petitioner. The accused persons disclosed that the petitioner also sold some liquor, but there is no other material to show that the petitioner indulged in any illegal trade of illicit liquor. The petitioner has got no criminal antecedent and save and except the confessional statement of the apprehended accused, there is no other material to show the involvement of the petitioner.

The learned Additional P.P. opposed the prayer for anticipatory bail.



Perused the FIR. It appears that huge quantity of liquor was recovered from the motorcycle and the car. The apprehended accused disclosed that the petitioner had sold some liquor, but nothing has been recovered from possession of the petitioner. There is nothing to show that the petitioner sold any liquor to any person.

Taking into consideration the facts aforesaid, petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned IInd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga in connection with Moro P.S. Case No.31 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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