

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28086 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

CHANDRAMA CHOUDHARY @ CHANDRAMA YADAV Son of Hiralal
Yadav Resident of Village- Barahani Ke Tola, P.S.- Siwan Muffasil, District-
Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner apprehends his arrest in a case registered
under Sections 272, 273 of the Indian Penal Code and Section
30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Informant is a police officer, who has alleged in his
written complaint that on receiving specific information that
illicit liquor is being kept in cultivable land of Nagendra Yadav,
he reached said place and found that from one pick up van illicit
liquors were being unloaded and two motorcycles were also
parked there and on seeing the police, three persons assembled
there tried to flee away, however, one was apprehended, who
disclosed his name as Rajkumar Yadav who further disclosed

the name of two other accused who managed to flee away, as Nagendra Choudhary and Chandrma Choudhary (petitioner) and thereafter from pick up van, huge quantity of illicit liquor and two motorcycles were seized by the police giving rise to Siwan Muffasil P.S. Case No. 26 of 2021.

It has been submitted on behalf of petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that the alleged motorcycle which was seized does not belong to petitioner and same belongs to Abhijit Kumar who is registered owner of the vehicle and confiscation proceeding has been initiated against him, as such no case under Excise Act is made out against him, as he was neither arrested from the place of occurrence nor anything has been recovered from his conscious possession or house or vehicle. Similarly placed co-accused, namely, Nagendra Choudhary @ Nagendra Yadav with similar allegation has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.08.2021 passed in Cr. Misc. No. 31824 of 2021. Petitioner has no criminal antecedent.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioner named above in the event of arrest or surrender before the court below

within four weeks from today, Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge 2nd cum Special Judge, Siwan, in connection with Siwan Muffasil P.S. Case No. 26 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(S. Kumar, J)

Rajiv/veena-

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