

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27385 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- KARJA District- Muzaffarpur

TARKESHWAR CHOUDHARY Son of Vansh Lal Choudhary Resident of
Village- Supana, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh, Adv.
For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 15-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Karja P.S. Case No. 50 of 2020, registered under sections 272, 273 and 34 of the Indian Penal Code and section 30 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on information having been received, a raid was conducted and it is stated that a total of 1136.88 litres of IMFL was recovered from two rooms belonging to Dilip Das. In the second part of the FIR, it is further stated that information was received that huge quantity of IMFL is being unloaded from a truck near the vehicle of one Nunu Babu. On a raid being conducted 5124.960 litres of IMFL



was recovered while one accused person was arrested, who disclosed the named of seven accused persons including the petitioner herein, who had managed to escape.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the FIR are false and incorrect. Except for the name of the petitioner transpiring in a confessional statement of co-accused made before police, there is no other material against him. Although he was made an accused in a case earlier, however the same is of the year 1998 and was not under the Bihar Prohibition and Excise Act. It is further stated that co-accused Arun Rai has been enlarged on anticipatory bail vide order dated 1.12.2020 passed in Cr. Misc. no. 24273 of 2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the antecedent of the petitioner not being under the Bihar Prohibition and Excise Act, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of six weeks from today and in the event of his arrest or surrender in connection



with Karja P.S. Case no. 50 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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