

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41023 of 2020**

Arising Out of PS. Case No.-91 Year-2019 Thana- MUSAHARI District- Muzaffarpur

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Vinod Choudhary S/o Late Nand Lal Choudhary @ Batohi Choudhary R/o
Village- Jalalpur, P.S.- Musahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Musahri P.S. Case no. 91 of 2019 registered under sections 272 and 273 of the Indian Penal Code and sections 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, the petitioner and Manoj Sah were seeing fleeing away along with others from the house of one Bhikhari Rai. It is stated that on a raid being conducted 716. 625 litres of IMFL was recovered.

It is submitted by learned counsel for the petitioner that from the FIR itself it is evident that no incriminating article has been recovered from the possession of the petitioner. The



alleged recovery is from the house of Bhikhari Rai. The petitioner has no criminal antecedent under the Bihar Prohibition and Excise Act. The petitioner is in custody since 11.9.2020 and his case stands on a similar footing to that of co-accused Manoj Sah who has been enlarged on bail vide order dated 17.8.2019 passed in Cr. Misc. no. 33404 of 2019.

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

Having heard learned counsel for the parties and taking into consideration the petitioner being in custody since 11.9.2020 and grant of bail to co-accused Manoj Sah, the petitioner is directed to be enlarged on bail in connection with Musahri P.S. Case no. 91 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Muzaffarpur.

(Partha Sarthy, J)

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