

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47702 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- BAHERA District- Darbhanga

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YOGESH CHAUDHARY @ BABU SAHEB CHAUDHARY @ BABU
CHAUDHARY son of Late Kailash Nath Chaudhary Village- Havibhauar Ps-
Bahera Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-08-2023 Heard Mr. Priyesh Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Ram Sevak Choudhary,

learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Bahera P.S. Case No. 237 of 2023, dated 30.05.2023,
registered under Sections 420, 34 of the Indian Penal Code and
Section 30 (a) of the Bihar Prohibition And Excise Act, 2016.

3. As per allegation made in the F.I.R., total 3155.4
litres of foreign liquor was recovered from a Container bearing
Registration No. GJ-070YZ-9550. The petitioner is named in
the F.I.R. on the basis of information given by the local
Chowkidar.

4. Learned counsel appearing on behalf of the



petitioner submits that one F.I.R. has been lodged against the petitioner of similar nature. The petitioner is not engaged in trade of liquor or its smuggling in any manner. The Container is also not registered in the name of the petitioner. The petitioner is innocent and seeks to be released on bail. Learned counsel further submits that two criminal cases are pending against the petitioner in which he has been granted bail and both the cases are of different nature.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submits that petitioner is having F.I.R. of similar nature and he may indulge in trade of illegal liquor, which will cause loss of life of human beings in the State of Bihar.

6. Having considered the rival submissions made on behalf of the parties as well as the nature of allegation made against the petitioner and considering the fact that the alleged huge quantity of illicit liquor recovered from the Container bearing Registration No. GJ-070YZ-9550 do not belongs to the petitioner, nor the petitioner in any manner involved with the said vehicle. The petitioner appears to have prima facie made out a case to be released on bail. The learned Court below is directed to obtain a report from the District Transport Officer,



Darbhangha in connection with the Container bearing Registration No. GJ-070YZ-9550 and if it is found that the said Container is not having fake registration number and is not stolen nor any F.I.R. with respect to the theft of the said container has been lodged by the owner of the said vehicle, in that case the petitioner is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act-II, Darbhanga in connection with Bahera P.S. Case No. 237 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is further directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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