

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23963 of 2024

Arising Out of PS. Case No.-226 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Virendra Choudhary Son Of Prithwi Chandra Chaudhary Resident Of Village-
Sarfuddinpur Maidapur, P.S.- Bochahan, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-03-2024 Heard Mr. Shiva Shankar Sharma, learned counsel
appearing on behalf of the petitioner and the learned Additional
Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Gaighat P.S. Case No. 226 of 2021, registered for the
offences punishable under Sections 272, 273, 467, 468 and
471/34 of the Indian Penal Code and Section 30 (a), 36 and
41(1) of the Bihar Prohibition and Excise Act, 2018.

3. The police on a secret information regarding
unloading of illicit liquor from a truck raided the place of
occurrence and seized the truck, in question, bearing
Registration No. HR67C-3342. On search, total 2619.360 liters
of illicit foreign liquor was recovered. The apprehended person
disclosed the name of seven persons, including one 'Hari Rai'.
The co-accused 'Hari Rai' disclosed the name of various



persons, including the petitioner and others.

4. It is submitted on behalf of the petitioner that during the course of investigation, no material has come suggesting the complicity of the petitioner in the present crime barring the disclosure made by co-accused 'Hari Rai', however, the same has no evidentiary value in view of Sections 25 and 26 of the Indian Evidence Act, 1872. Further submission has been made that on the disclosure made by co-accused 'Hari Rai', various other persons have been made accused in this case and out of them one 'Uma Paswan @ Umanand Paswan', having identical allegation, has been allowed the privilege of anticipatory bail by this Court in Cr. Misc. No. 56301 of 2023 vide order dated 08.11.2023. It was further argued that the very implication of the petitioner in the present case is his previous criminal antecedent in relation to excise matter, however, he is on bail in the said case. Moreover, he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and



except the confessional statement, there is no other material suggesting the complicity of the petitioner, coupled with the fact that co-accused person, having identical allegation, has been allowed the privilege of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No. 3, Muzaffarpur in connection with Gaighat P.S. Case No. 226 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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