

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.46463 of 2013**

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1. Mangalam Ram @ Mangal Ram Son Of Suryaman Ram Resident Of  
Mathiya Akraura, P.S.-Buxar (Town), District-Buxar

.... .... Petitioner

Versus

1. The State Of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Satyapal Singh, advocate

For the Opposite Party : Mr. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI**  
**SHARAN SINGH**  
**ORAL ORDER**

3 24-12-2013

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor appearing on behalf of the State.

The petitioner apprehends arrest in a case registered  
for the offences punishable under section 47(a) of the Bihar Excise  
Act.

As per the allegation, on the basis of information,  
the police raided the petitioner's house and recovered huge  
quantity of country made liquor (580 pouches each containing 200  
ml). Learned counsel for the petitioner submits that though the  
first information report was registered on 23.09.2013 but it was  
received in the court of learned Chief Judicial Magistrate on  
26.09.2013, that is, after three days of institution of the first  
information report which casts doubt on the prosecution story. He

submits that this is the first time when the petitioner has been implicated in a case under section 47(a) of Bihar Excise Act. He further submits that even, as per the prosecution story, at the time of seizure no family member of the petitioner was present in the house and, accordingly, the seizure itself becomes doubtful.

In view of submission, as above, and considering the fact that this is the first offence of the petitioner alleged under section 47(a) of the Bihar Excise Act, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today be released on bail on his furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in Buxar (Town) P.S. case No. 378 of 2013, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure. It is indicated that if the petitioner is found indulging in commission of such offence again, the prosecution shall be at liberty to approach this court for cancellation of bail granted to him by virtue of the present order.

**(Chakradhari Sharan Singh, J)**

BKS/-