

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42747 of 2014

Arising Out of PS.Case No. -26 Year- 2012 Thana -TARIYANI District- SHEOHAR

Raghunath Chaudhary Son of Vishwanath Chauhary Resident of Village -
Rajepur, P.S.- Rajepur, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL ORDER

2 20-03-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Tariyani P.S. Case
No. 26 of 2012 dated 27.02.2012 instituted under Sections
420/271/272/34 of the Indian Penal Code and 47 (a) of the Bihar
Excise Act.

Learned counsel for the petitioner submits that
though as per the allegation huge quantity of liquor was seized
from the bolero pick-up van and according to the driver, who was



caught, the same had been loaded from the Government Composite Wine Shop owned by the petitioner, but the allegation is false as neither any such sale was made nor the petitioner has any connection with the seized liquor. It is further submitted that even as per the F.I.R. version Pukar Baitha @ Ram Pukar Baitha and Baiju Sah @ Baiju Prasad Sah were the owners of the consignment and present in the vehicle but managed to run away when the liquor was seized and thus the petitioner cannot be said to have any role in the incident or any connection with the liquor seized. It is also submitted that the petitioner was neither caught at the spot nor any recovery has been made from him. Learned counsel submits that Pukar Baitha @ Ram Pukar Baitha, who is said to be one of the owners of the consignment and also present in the vehicle, though alleged to have fled away, has been granted anticipatory bail by a co-ordinate Bench of this Court by order dated 24.04.2013 in Cr. Misc. No. 12505 of 2013.

Learned A.P.P. opposes the prayer for anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds

of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sheohar in Tariyani P.S. Case No. 26 of 2012, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of the bail bonds of the petitioner. The petitioner shall also cooperate in the trial and shall be present on each and every date fixed in the case. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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