

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39440 of 2015

Arising out of PS.Case No. -29 Year- 2015 Thana -RAJAULI District- NAWADA

Arjun Prasad Yadav @ Arjun Prasad, Son of Late Ragho Prasad, resident of Village - Ghasiyadih, P.S. - Rajauli, District - Nawada.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Sheo Kumar Prasad, Advocate.

For the Opposite Party : Mr. Nirmal Kumar Sinha(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2015 Heard learned counsel for the petitioner and learned counsel for the State

The petitioner is apprehending his arrest in connection with Rajauli P.S. Case No. 29 of 2015 for the offences instituted under Sections 272 of the IPC and 47(f) of the Excise Act.

The prosecution story, in brief, is that the informant alongwith other force was on evening patrolling duty and in course of patrolling, the informant received a secret information that Chhotu Sao, driver of Savari vehicle bearing No. JH02E-8609 was carrying Mahua in huge quantity for manufacturing liquor and upon this information the informant came to Hardiya Section at 18.45 P.M. and saw that one Savari vehicle was coming on N.H. and with the help of force the said vehicle was stopped and on

search 15 quintals of Mahua Kept in 30 bags were recovered for which no license and valid papers were produced by the said persons who also disclosed that in this business Vinod Agrawal and house owner Arjun Prasad Yadav(petitioner) were also involved and a huge quantity of Mahua wee kept in the house and on the basis of his disclosure a search was made in the house of Arjun Pd. Yadav and 70 bags of illicit Mahua were recovered weighing 35 quintals' and house owner Arjun Prasad Yadav was found absconding and accordingly a seizure list was prepared.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is said to have been made accused in the present case due to mistake of fact. It is further submitted that the petitioner is ready to deposit an amount of Rs. 10,000/- in the court below which shall be subject to final disposal of the case.

On behalf of the State it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs. 10,000/- in the court below which shall be subject to final disposal of the case and on doing so, let the petitioner above named, 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 in connection with Rajauli P.S. Case No. 29/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)