

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23554 of 2016

Arising Out of PS.Case No. -26 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
SAMASTIPUR

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Barun Chaudhary @ Barun Mahto, son of Rajendra Chaudhary @ Rajendra
Mahto, Resident of Village Bangra, P.S. N.H. Bangra, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amitabh Bhardwaj, Advocate

For the Opposite Party/s : Mr. P.K.Chaurasiya(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 27-07-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Excise Case No. 26/14 for offences alleged under Section 47(a) of
the Excise Act.

The prosecution case, as lodged by the informant,

is that on 27.05.2014 at 6.20 P.M. he along with raiding party
raided the toddy shop of the petitioner. Petitioner fled away but
from his toddy shop 62 packets each containing 400 ml of
country-made liquor were recovered and on enquiry name of this
petitioner revealed.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in

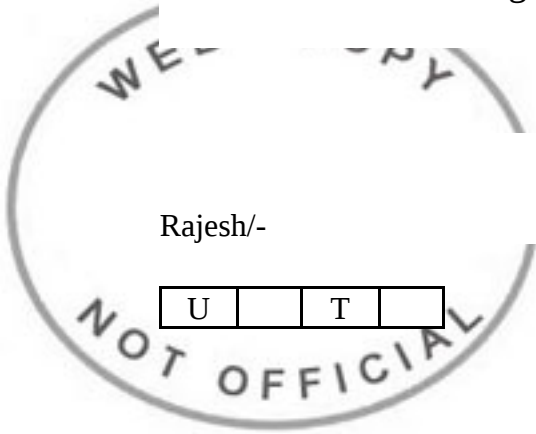


the aforesaid case. He submits that although search and seizure was conducted on 27.05.2014 but the prosecution report has been sent on 05.07.2014 after a delay of more than one month and no plausible explanation has been offered. He further submits that no recovery has been made from the conscious possession of the petitioner and during investigation one Munna Choudhary was found guilty and he in collusion with the excise officials has implicated the petitioner.

However, learned APP for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur, in connection with Excise Case No. 26/14, subject to the conditions as laid down under Section 438(2) Cr.P.C. However, it is made clear that since the petitioner is also accused in five other cases against which in two he has been acquitted, petitioner is directed to appear before the police/ court as and when required and failure to appear on two

consecutive dates will entail cancellation of his bail bonds without
being prejudiced with this order.



(Nilu Agrawal, J.)