

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26340 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Gariban Chaudhary, S/o Fulchand Choudhary, resident of Village- Bhore,
P.S.- Mofassil, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ravindra Kumar Sinha, Advocate

For the State : Mr. Sri Anil Kumar, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 05-07-2016

Heard learned counsel for the petitioner and the
State.

Petitioner apprehends his arrest in a case filed
under Sections 272 and 273 of the Indian Penal Code and Section
47 A of the Excise Act.

As per the allegation, 15 liters of country made
Mahua wine and five container of Dalda containing Mahua were
recovered from the house of the petitioner.

It is contended that the date of F.I.R. and search and
seizure is on 6.03.2016 and, as such, the amended provision of
Section 47A of the Excise Act would not be application in the case
of the petitioner. It is further contended that the petitioner has not
been apprehended from the spot and it is very difficult to say that

only petitioner and nobody else of the joint family, who were occupying the house, were involved in such alleged business. It is urged that the petitioner is having clean antecedent.

Having regards to the facts and circumstances of the case, in the event of arrest/surrender within a period of six weeks from today in Mofassil P.S. case no.106/2016, the above named petitioner, Gariban Chaudhary shall be released on bail on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gaya subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

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