

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36418 of 2016

Arising Out of PS. Case No. -194 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

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Shyam Chaudhary son of Nanhak Chaudhary, Resident of Village-
Nauranga, P.S. - Gaya Mofassil, District- Gaya.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-09-2016 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 47 of the Bihar Excise Amendment Act, 2016
registered in connection with Gaya Mofassil P.S. Case No. 194 of
2016.

3. It is submitted that the petitioner has been falsely
implicated as 15 litres of Mahua wine was recovered from 'Pyne'
and not from the conscious possession of the petitioner. The
reference to recovery of the said goods from the newly constructed
building near the 'Pyne' does not belongs to the petitioner. The
petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and
circumstances of the case, in the event of the petitioner's arrest or
surrender before the court below within six weeks from the date of
communication of this order, let the above named petitioner be
released on bail on furnishing bail bonds of Rs.10,000/-(ten
thousand) with two sureties of like amount each to the satisfaction
of learned Chief Judicial Magistrate, Gaya in connection with Gaya
Mofassil P.S. Case No. 194 of 2016, subject to the conditions as laid

down under Section 438 (2) Cr.P.C. and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

B.T/Chandran

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