

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12422 of 2016

Arising Out of PS.Case No. -315 Year- 2015 Thana -MAHARAJGANJ District- SIWAN

1. Munna Choudhary, aged about 30 years, Son of Late Paspoti Chudhary,
resident of Village- Chotka, Teghra, P.S.- Maharjganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar

For the Opposite Party/s : Mr. Surendra Kumar(App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 06-05-2016 Heard the learned counsel for the petitioner and the
learned A.P.P. representing the State.

The petitioner seeks bail in connection with
Maharajganj P.S. Case No. 315 of 2015 registered for the
offences punishable under Sections 272, 273, 308 and 420/34 of
the Indian Penal Code and Section 47(a) of Excise Act.

Allegedly, from Bolero pick-up van, 1760 liters of
spirit was recovered and it is alleged that the petitioner is
indulged in preparing illicit liquor from illegal spirit with aid and
assistance of other co-accused and further, the petitioner and the
driver succeeded in fleeing away.

Submission is of false implication and that nothing
has been recovered from conscious possession of the petitioner,



without any legal and tangible material, he is suffering in custody since 28.01.2016, the petitioner is involved in other cases also but he is on bail in all those cases, the pick-up van is not registered in the name of the petitioner which is evident from Annexure-2 and, as such, the petitioner deserves sympathetic consideration. Co-accused Mantu Choudhary has already been allowed bail vide Criminal Miscellaneous No. 3383 of 2016 by another co-ordinate Bench of this Court.

The learned A.P.P. opposes the prayer of bail by pointing out the alleged recovery and further that the petitioner has got criminal antecedent.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence and, as such, the petitioner, above named, is also directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, II, at Siwan in connection with Maharajganj P.S. Case No. 315 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the

petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

ajaypd./-

U		T	
---	--	---	--