

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29234 of 2016

Arising Out of PS.Case No. -238 Year- 2015 Thana -ALAMGANJ District- PATNA

1. Ajay Choudhary, son of late Ram Jee Choudhary, resident of Village- Sadirpur, P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Singh

For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-08-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Alamganj P.S. Case No. 238 of 2015, disclosing offences under Section 290 of the Indian Penal Code and Section 47(a) of the Bihar Excise Act.

Co-accused, Rahul Choudhary, was found selling illicit country made liquor. Twenty bottles of country made liquor, each containing 200 M.L., were recovered by the Excise officials. The petitioner has

been implicated in this case on the basis of statement made by said Rahul Choudhary to the effect that the petitioner made him to sell illicit country made liquor.

Learned counsel for the petitioner has submitted that merely on the basis of statement of co-accused, Rahul Choudhary, the petitioner has been falsely implication in this case. It has further been submitted that petitioner has no criminal antecedent, as stated in paragraph 3 of the application.

In view of the submission, as above, this application is allowed. Let the petitioner, above named, in the event of his arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate, Patna City**, in connection with **Alamganj P.S. Case No. 238 of 2015**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner, above named, shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to

appear before the Court on two consecutive occasions,
his bail bond shall be liable to be cancelled.

It is made clear that if the petitioner is named
in any case, making allegation of commission of offence
under the provisions of Bihar Excise Act, his bail,
granted by virtue of present order, shall be liable to be
cancelled.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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