

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37226 of 2016

Arising Out of PS.Case No. -146 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

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Akhilesh Choudhary Son of Yogendra Choudhary, Resident of Village
Mayaram Pethia, P.S. Bidupur, District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 20-09-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Complaint Case No. C2A 146 of 2016, disclosing offences
under Section 47(a) of the Excise Act.

The petitioner's house was raided on 26.03.2016 by the
Excise Officer leading to recovery of five litres of illicit country
made liquor.

Learned counsel for the petitioner while denying the
allegation has submitted that there is no explanation as to why the
prosecution report was prepared on 31.03.2016 i.e. five days after
the date of seizure. He has also submitted that submission of

prosecution report in the Court nearly two months thereafter on 27.05.2016 also casts serious doubt on the veracity of case of the prosecution. It has also been urged that the petitioner has no criminal antecedent.

In view of the submissions 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Complaint Case No. C2A 146 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner 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 bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Vats/-

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