

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6436 of 2016

Arising Out of P.S. Case No. - 75 Year - 2015 Thana - BALIGAON District -
VAISHALI (HAJIPUR)

1. Navdeep Chandra Prasad, Son of Fekan Rai, Resident of
Village - Digghi Kala West, P.O & P.S. - Hajipur Sadar,
District - Vaishali.

2. Ranjeet Prasad Yadav @ Ranjit Rai, Son of Akal Rai,
Resident of Village - Khwajapur Basti, P.S. - Baligaon.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kr. Soni, Adv.

For the Opposite Party/s : Mr. S.D. Singh Yadav (A.P.P.)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

3 14-03-2016 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

Supplementary affidavit has been filed on
behalf of the petitioners in course of the day.

This application, for grant of anticipatory bail,
arises out of Baligaon P.S. Case No.75 of 2015, disclosing
offences under Sections 272, 273, 420 read with Section
120(B) of the Indian Penal Code and Section 47(a) of the

Bihar Excise Act.

There are two petitioners in the present case. It is stated in the application itself that petitioner No.2 has criminal antecedent and a case, under Section 47(a) of the Bihar Excise Act, was registered against him few days before institution of the present case.

As regards petitioner No.1, learned counsel for the petitioners submits that he is a licensee and the articles, so seized by the Flying Squad, were, as a matter of fact, purchased from authorized dealer. He has placed heavy reliance upon a letter, dated 05.12.2015, written by the Additional District Collector, Vaishali, addressed to the Collector, Vaishali, wherein, he has pointed out the discrepancies in collecting seizure of the goods and cancelling the licence of shop.

Considering the facts and circumstances of the case, this application, to the extent it relates to petitioner No.1, is allowed. Let petitioner No.1, namely, Navdeep Chandra Prasad, 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 Chief Judicial Magistrate, Vaishali**, in connection with **Baligoan P.S. Case No.75 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 No.1, abovenamed, 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.

So far as petitioner No.2, namely, Ranjeet Prasad Yadav @ Ranjit Rai, is concerned, considering the fact that he has a case against him, under Section 47(a) of the Bihar Excise Act, I am not inclined to grant him the privilege of anticipatory bail.

Accordingly, his application for anticipatory bail is, hereby, rejected.

Petitioner No.2, abovenamed, is directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned court below on its own merit, without being prejudiced by rejection of present application for grant anticipatory bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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