

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18927 of 2016

Arising Out of PS.Case No. -37 Year- 2016 Thana -SABOUR District- BHAGALPUR

1. Birju Choudhary, Son of Late Chotan Choudhary, Resident of Sultanpur
Bhitti, P.S- Sabour, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Anita Kumari Singh

For the Opposite Party/s : Mr. Pronati Singh (App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 09-05-2016 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for anticipatory bail arises out of Sabour P.S.
Case No. 37 of 2016, disclosing offences under Sections 420,290,307
of the Indian Penal Code and section 47(a) of the Bihar Excise Act.

It is alleged that in course of raid conducted by the excise
officials, country made liquor in three jerkins of 35 liters each was
recovered from the premises of the accused persons.

Learned counsel for the petitioner has submitted that though
there are four persons named in the First Information Report whose
premises were raided but in the seizure list, only petitioner's name has
been mentioned. It has further been submitted that this is the first
instance when the petitioner has been implicated under Section 47(a)
of the Bihar Excise Act.

Considering the submissions as above, this application is

allowed.

Let the petitioner above-named in the event of his arrest/surrender within four weeks from today in the Court below, be released on bail on furnishing 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-Xth, Bhagalpur in connection with Sabour P. S. Case No. 37 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.

Subject to the further condition that if the petitioner is implicated in case of constituting offence under the provisions of the Bihar Excise Act, the prosecution shall be at liberty to approach this Court for cancellation of his bail bond furnished in the light of the present order.

(Chakradhari Sharan Singh, J)

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