

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86042 of 2019

Arising Out of PS. Case No.-453 Year-2018 Thana- KARAHGAR District- Rohtas

Khakhanu Chaudhary, aged about 30 years, Gender-Male, S/o Ram Bachan
Chaudhary R/o village- Jangal Mahal, P.S.- Karagahar, District- Rohtas
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 13-02-2020 Heard learned counsel for the parties.

The petitioner apprehends his arrest in Karagahar
P.S. Case No. 453 of 2018 registered for the offence under
Section 30(a)(c) of Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that the informant,
who is A.S.I., got secret information that some persons are
selling Mahua wine near village Jangal Mahal. Thereafter, he
alongwith police party reached there, but after seeing the police
party, all the persons fled away, but Chaukidar identified all of
them, which includes petitioner also, and from the place of
occurrence, certain equipments, meant for preparation for
mahua wine, were recovered.

It is submitted on behalf of petitioner that petitioner
has falsely been implicated in this case only due to suspicion
and so called identification by the Chaukidar. It is further



submitted that Section 100 Cr.P.C. has not been followed with regard to search and seizure.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge-cum-Special Judge, Excise, Rohtas at Sasarma in connection with Karagahar P.S. Case No. 453 of 2018 on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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