

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38683 of 2024

Arising Out of PS. Case No.-128 Year-2024 Thana- BARUN District- Aurangabad

Vijay Chaudhary Son of Raju Chaudhary Resident of Village - Bhuian Toli,
Keshav Market, P.S.- Barun, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Barun P.S. Case No. 128 of 2024, lodged on 23.03.2024 under
Section 392 of the Indian Penal Code read with section 37 of the
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, FIR has been lodged
against two named accused persons including the present
petitioner against whom there is an allegation of theft.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the offence of excise act has not been attracted
against the present petitioner as he has not been apprehended at
the place of occurrence. Counsel further submits that the name
of the petitioner has been figured in this case only by virtue of
confessional statement of the co-accused. Counsel also submits



that it is true that some recovery has alleged to be made from his possession, but until and unless the TIP shall not certify it, it may not be accepted.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is clean and he is in custody since 04.04.2024. Counsel further submits that section 392 of the IPC is of magisterial triable and section 37 of the Excise Act is not attracted in the present case, so far as the case of petitioner is concerned.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Aurangabad in connection with Barun P.S. Case No. 128 of 2024, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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