

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50391 of 2015**

Arising Out of PS.Case No. -122 Year- 2015 Thana -BARUN District- AURANGABAD

Jawahar Chaudhary son of late Laxman Chaudhary Resident of Village-  
Dhamni Gola, Police Station- Barun, District Aurangabad.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

**Appearance :**

For the Petitioner : Mr. Purushotam Sharma

For the Opposite Party : Mr. Upendra Kumar (App)

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-12-2015      Heard the counsel for the petitioner and counsel for the  
State.

The petitioner is languishing in jail since 30.08.2015 in  
a case instituted under Sections 272 and 273 of the Indian Penal  
Code and Section 47A of the Excise Act.

As per prosecution case that about 120 liters of Mahua  
wine as well as 115 K.G. fermented Mahua and apparatus for  
manufacturing wine were recovered from the possession of the  
petitioner.

It has been submitted on behalf of the petitioner that  
the petitioner is in custody since 30.08.2015. Chargesheet has  
been submitted in the case. Petitioner has got no criminal  
antecedent. Petitioner has been made accused due to mistake of

fact. No compliance of Section 100 of the Cr.P.C. has been made in respect to the seizure of the Mahua wine. It is further submitted that petitioner is ready to deposit an amount of Rs.10,000/- in the court below which shall be subject to the final disposal of the case.

On behalf of the State, it has been submitted that the name of the petitioner has come in course of investigation.

Considering the aforesaid facts and circumstances, it is directed that the petitioner shall deposit an amount of Rs.10,000/- in the court below which shall be subject to the final disposal of the case and on doing so, let the above named petitioner 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 learned CJM, Aurangabad in connection with Barun P.S.Case No.122 of 2015, G.R.No.1632 of 2015.

**(Sudhir Singh, J)**

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