

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31004 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
SIWAN

=====

Oshiyar Yadav @ Oshihar Yadav S/o Sampat Choudhary resident of vill.-
Sultanpur (Dahawari), P.S.- Andar, District- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhakar Singh

For the Opposite Party/s : Mr. Arun Kr. Panday (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 20-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in Siwan

Excise Case No.CIII 36/14 for the offence under Section 47(A) of

the Bihar Excise Act.

The allegation against the petitioner is that two

drums of sprit and one Bolero Jeep were recovered from the newly

constructed house of this petitioner and, accordingly, seizurelist

was prepared.

Learned counsel for the petitioner submits that

aforesaid articles were recovered from the newly under

constructed house from where the petitioner was not living and

the alleged seizure list was prepared not in the presence of local

witness. It is submitted that only because of the alleged recovery which is not from his conscious possession the petitioner has been made accused as the house in question was being constructed by him, the petitioner has been facing prosecution in the present case.

Considering the aforementioned submissions and also the fact that the petitioner does not live there, let the petitioner, above named, in the event of his arrest or surrender before the court below within two weeks, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of The C.J.M., Siwan, in Siwan Excise Case No.CIII 36/14 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Anjana Mishra, J)

AnilKrSinha/-

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