

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52154 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -PURUSHOTTAMPUR District-
WESTCHAMPARAN(BETTIAH)

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. Ashish Kumar son of Babunand Yadav, Resident of village- Gola Ghat
Dumri, P.S.- Yogapatti, District- West Champaran at Bettiha

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-12-2015

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Purusottampur P.S.Case No. 39/2015 registered for offences
punishable under Sections 420 and 406 of the Indian Penal Code
and 47 (a) of the Excise Act.

The prosecution case is that the informant, Suresh
Prasad Choudhary, S.I., Excise had alleged in his written petition
that he along with Superintendent, Excise Department, S.H.O. of
Mainatand and Purshottampur, and the Circle Officer, Mainatand
reached at the Composite liquor shop No. 43 of petitioner situated
at Marjadwa Chowk and raided the alleged shop and co-accused
Santosh Prasad Srivastava was arrested from the shop. On query,
he disclosed that he is staff of petitioner. The licence of the shop
has already been cancelled but in spite of that, liquor was being

sold illegally in the said shop. In presence of an independent witnesses alleged shop was searched and illegal liquor was found therein and the same was seized after preparing seizure list.

It has been submitted by the learned counsel for the petitioner that he has a clean antecedent and has been falsely dragged in the aforesaid case.

It has further been submitted that he was earlier a Licensee of the liquor shop No. 43 and on the confessional statement of one Santosh Prasad Srivastava, which has no evidentiary value in the eye of law, the name of petitioner surfaced. Furthermore, it has been submitted that the petitioner is no longer concerned with the aforesaid shop.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned I/C, Judicial Magistrate, West Champaran at Bettiah, in connection with Purosattampur P.S. Case No. 39 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C

(Nilu Agrawal, J)

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