

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31074 of 2014

Arising Out of PS.Case No. -175 Year- 2014 Thana -RAMPUR District- GAYA

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Md. Raja, S/o Late Md. Nasim, resident of mohalla- Gewal Bigha near
Jumma Masjid, P.S.- Rampur, Distt.- Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Ajay Kr. Jha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 28-01-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner, apprehending his arrest in connection
with Rampur P.S. Case No. 175 of 2014 registered for the
offences punishable under Section 273 of the Indian Penal Code
and Section 47(a) of the Excise Act, seeks the privilege of pre-
arrest bail.

Allegedly, from Gumti of the petitioner Desi liquor in so
many pouches were recovered and one boy seeing the police
personnel succeeded in fleeing away.

Submission is that the Gumti is not of the petitioner. He
has been made victim of highhandedness of the police. There is no
independent witness. Search and seizure has been made in

violation of the mandatory provision of law and as such, the petitioner deserves sympathetic consideration, to which the learned A.P.P. does not dispute.

In the facts and circumstances as stated above, considering that the petitioner was not apprehended at the spot and he is not claiming that Gumti, and as such, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 175 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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