

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20442 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -AMNAUR District- SARAN

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Birendra Singh, son of Late Ram Shrestha Singh, resident of Village-
Amnour Purvari Patti, P.S.- Amnour, District- Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Madhaw Prasad Yadaw, Advocate

For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 13-05-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Sections 272, 273/34 of the Indian Penal Code and 47(A) of the
Excise Act.

Petitioner is in jail custody since 5.3.2016 and it is
alleged that 1200 liters raw spirit in six drums were recovered in
front of the house of the petitioner. Petitioner has disclosed at
paragraph-3 of the petition that he has no criminal antecedent
though learned Additional Sessions Judge, without giving any
specific paragraph of the case diary, has mentioned in the
impugned order that petitioner carries criminal antecedent.

Submission on behalf of the petitioner is that the

seized spirit belongs to co-accused Arvind Singh and Sanjiv Singh and, as a matter of fact, the said recovery has neither been made from conscious possession of the petitioner nor from his house and the learned Additional Sessions Judge has committed error on the record regarding the criminal antecedent of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner above named 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 of Sri Amrendra Prasad, J.M. 1st Class, Saran at Chapra in connection with Amnour P.S. Case No.31 of 2016.

(Hemant Kumar Srivastava, J)

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