

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21257 of 2016

Arising Out of PS.Case No. -75 Year- 2016 Thana -BAHADURPUR District- PATNA

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Aman Kumar, son of Sri Kamlesh Kumar Mehta, resident of Mohalla-
Shahganj Professor Colony, P.S.- Sultanganj, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 06-06-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
Bahadurpur P.S. Case No. 75 of 2016 registered under Sections
47 and 54 of the Bihar Excise (Amended) Act, 2016.

It is contended that the entire allegation laid down
against the petitioner are false and concocted. The petitioner is
son of the owner of M/s New Abhisek Enterprises carrying on
business of the saria and cement in his own house cum lodge.
There is a student lodge in the 1st, 2nd, and 3rd floor of the said
house. The co-accused Manikant Kumar is a tenant in a room

just close and adjacent to the petitioner's premises. Referring to the statements of three of the witnesses namely, Munna Thakur, Rinku Kumar and Jitendra Kumar recorded in the case diary in paragraph 9, 27 and 28, he has submitted that they have clearly stated that the recovery of the English wine was made from the room which was given on rent to co-accused Manikant Kumar.

It is further contended that merely on suspicion, the petitioner has been remanded in this case on 15th April, 2016 and prior to the present case the petitioner has not been made accused in any other case. It has also been submitted that the petitioner has got roots in the society and is not likely to abscond or tamper with the evidence, if released on bail.

On the other hand, learned counsel for the State has submitted that there is allegation in the FIR that the recovery of the English wine was made from the house of the petitioner. However, he concedes that the witnesses examined during investigation have submitted that the recovery was made from the room of co-accused Manikant Kumar, who was living in a room on rent.

Regard being had to the facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with

two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patnacity in connection with Bahadurpur P.S. Case No. 75 of 2016.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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