

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8063 of 2016

Arising Out of PS.Case No. -205 Year- 2015 Thana -MASRAKH District- SARAN

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Hemant Rai @ Hemant Kr. Yadav, son of Paras Rai, resident of Village -
Chand Kudariya, P.S. - Mashrak, Distt. - Saran, Chapra.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Pronati Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Mashrak P.S. Case No. 205/15 for offences alleged under Sections

272, 273 of the Indian Penal Code and Section 47(A) of the Excise

Act.

The prosecution case, as lodged by the informant

S.I. Nandu Singh Yadav, is that on 18.07.2015 on a secret

information the informant along with other police personnel raided

the Panchayat Bhawan of Chand Kudariya at 13.35 hours and

seized 180 sachets of spirit each containing 50 gms and informant

learnt that the spirit was being sold by petitioner, who fled away

on arrival of police force, and, accordingly, seizure-list was

prepared.

It has been submitted that nothing incriminating has been found from the possession of the petitioner and he is not concerned with storing of spirit in the Panchayat Bhawan and also has no connection with the Panchayat Bhawan. Alternatively, the counsel for the petitioner contends that the petitioner having no criminal history, as is evident from paragraph 3 of this petition and being the first offender as also recovery of small quantity of 9 litres of illicit spirit, he may be granted the privilege of anticipatory bail.

Learned APP for the State, however, submits that the petitioner is named in the First Information Report.

Be that as it may, let petitioner, above named, 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 bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Saran, Chapra, in connection with Mashrak P.S. Case No. 205/15, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nilu Agrawal, J.)

Rajesh/-

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