

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7989 of 2016

Arising Out of PS.Case No. -99 Year- 2015 Thana -HAZIPUR INDUSTRIAL District-
VAISHALI(HAJIPUR)

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Sagar Keshri Son of Harinandan Keshri Resident of village- Chandpura,
P.S. Bidupur District Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-02-2016 Heard learned counsel for the petitioner and the

learned A. P.P. for the State.

Petitioner apprehends his arrest in connection with

Industrial Area P.S. Case No. 99 of 2015 registered for offences

punishable under Sections 272 and 273 of the Indian Penal Code

and Section 47(A) of the Excise Act.

The prosecution case, as lodged by the Officer-in-

charge, Industrial Area Police Station, is that the informant along

with other police officials on 23.09.2015 proceeded for evening

patrolling at 05:00 P.M. When the patrolling party reached

Hilalpur, informant received a secret information that the

petitioner is selling country made liquor as well as Chuat liquor at

Charmakran Bazar from his betel shop, which is harmful to human



life. The informant thereafter reached Chakmakran Bazar. Seeing the police, a young man began to flee away from his shop. It is further stated that police chased the young man, but due to darkness, he succeeded in fleeing away. The Chaukidar identified the person fleeing away as Sagar Keshri of Chandpura village. Police seized 17 pieces of small bottle of 200 M.L. each made of plastic containing country made liquor of Spice Benveral Private Limited, which was kept in a white bag as well as two litres country made (Chuat) liquor, which was contained in a white Jerkin made of plastic for which no licence was granted. Having prepared the seizure list in presence of two witnesses, the same was pasted on the shop.

It has been submitted by the counsel for the petitioner that petitioner is innocent and the said seized liquor has not been recovered from his conscious possession. It has further been submitted by the learned counsel for the petitioner that petitioner has no criminal antecedent and even if it is assumed that he was in possession of the said liquor, it was his first offence and, hence, prays for grant of bail in the event of arrest or surrender.

However, learned A.P.P. for the State submits that petitioner is named in the First Information Report.

Be that as it may, let the 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 only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 99 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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