

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15952 of 2016

Arising Out of PS.Case No. -132 Year- 2015 Thana -GOVERNMENT OFFICIAL COMP. District-
SARAN

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Upendra Sah Son of Bishwanath Sah, resident of village and Post Office-
Khaira, P.S.- Khaira, District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Parijat Saurav, Advocate

For the State : Mr. Ashok Kr.Singh, APP

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 23-05-2016

I have heard learned counsel for the petitioner and the
State.

The petitioner apprehends his arrest in a case registered
for offences punishable under Sections 47A of the Excise Act.

It is contended that alleged seizure is without
following the procedure laid down in Section 100 of Cr.P.C. as
neither it is stated that all the family members of the petitioner
fled away from the petitioner's hut nor was the copy of the seizure
list was given to any family of the petitioner. Allegation is of
seizure of 35 liters of illicit liquor from the hut of the petitioner.
It is urged that the hut does not belong to the petitioner and the
petitioner is having clean antecedent and the alleged seizure is

dated 20.9.2015, i.e. before the new Amendment.

Having regard to the facts and circumstances of the case, let the petitioner, namely Upendra Sah be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in Excise Case No. 132/2015, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Saran at Chapra subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

However, the court below will examine the antecedent of the petitioner at the time of furnishing bail bound and if the antecedent of the petitioner is found clean then the same should be accepted otherwise he would be required to be taken in custody.

(Dr. Ravi Ranjan, J)

Spd/-

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