

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19857 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -SIKTI District- ARRARIA

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Puran Sada son of Late Laxman Sada @ Bhuttu Sada, resident of village-
Kachana, P.S.- Sikty, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mrs. Sangita Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

3 26-05-2016

Heard learned counsel for the petitioner.

Despite repeated calls, none appears on behalf of the
State.

The petitioner seeks pre-arrest bail in connection with
Sikty P.S. Case No. 49 of 2016 registered under Sections 272 and
273 of the Indian Penal Code and Section 47(a) of the Bihar
Excise Act.

It is submitted by the learned counsel for the petitioner
that though there is allegation of recovery of ten liters country
made liquor from the house of the petitioner, from perusal of
seizure list it would be evident that both the seizure list witnesses
are not the resident of the place of occurrence. It would be further
evident that a copy of the seizure list was not served to any

member of the family of the petitioner, which goes to show that the search and seizure were not made according to Section 100 of the Code of Criminal Procedure.

Regard being had to the small quantity of liquor alleged to have been recovered from the house of the petitioner, namely, Puran Sada on 18th March, 2016, in the event of arrest or surrender in the court below within six weeks from today, he is directed to 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 A.K.Mall, learned Judicial Magistrate, 1st Class, Araria in connection with Sikty P.S.Case No.49 of 2-016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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