

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21576 of 2016

Arising Out of PS.Case No. -60 Year- 2016 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Sudhir Jha son of Shri Vijai Kant Jha, resident of village Dudhiyawan
Ojha Tola, Police Station Paharpur, District East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 26-05-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Paharpur P. S. Case No.60 of 2016 registered under Section 47(a)
of the Excise Act.

It is contended by learned counsel for the petitioner that
the entire allegation made in the FIR is false and fabricated.
Though there is allegation of recovery of certain quantity of liquor
from the grocery shop of the petitioner, seizure list would indicate
that the recovery was made from an open place and not from the
shop of the petitioner. It is further contended that the date of
seizure is 24th March, 2016, but the FIR and seizure list was

transmitted to the court on 29th March, 2016. Arguing further, it has been submitted that the seizure list was prepared on 24th March 2016 at 2.15 am and the FIR was instituted at 5 pm on the same date, but it is surprising as to how the investigating officer could record the police station case number even before reaching back to the police station.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above 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 learned Chief Judicial Magistrate, East Champaran, Motihari in Paharpur P. S. Case No.60 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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