

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29143 of 2016

Arising out of PS.Case No. -169 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District- MUZAFFARPUR

Uday Shankar Dwivedi, S/o Rishideo Drivedi, Sr. General Manager, Riga Sugar Company Ltd., Distillery Division, Riga, resident of in the premises of Sugar Company Ltd. at and P.O. Riga, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Y. B. Giri, Sr. Advocate.

For the Opposite Party : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-08-2016 Heard learned senior counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 25.05.2016 in connection with Excise Case No. 169/2016, arising out of Case No. 2/2016-17 for the offences instituted under Section 47(a) of the Bihar Excise Act, 1915.

The prosecution story, in brief, is that the Excise Officials on the basis of some secret information on 24.05.2016 raided the premises of the warehouse of Riga Sugar Company Ltd., situated at Bari Kothia, P.S. Musahari, District-Muzaffarpur, on 24.05.2016. In the said warehouse, earlier country liquor was produced with valid license and permits. It is further alleged that

on 24.05.2016 the aforesaid premises was searched and from the premises certain quantity of Indian made foreign liquor about 181.44 liters were recovered and accordingly, the present prosecution was launched against the petitioner and others.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 25.05.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. For the same offence, two cases were instituted. In the other case, the petitioner has already been granted bail by a co-ordinate Bench of this Court. The petitioner is General Manager of Riga Sugar Company Distillery Division, Riga, Sitamarhi. The said Company had its warehouse situated at Muzaffarpur. The said warehouse was sealed after coming of the Amended Act into force. The said warehouse was given on the lease by the landlord of the property to the Company. Subsequently, on 24.05.2016 a raid was conducted and the seal of the said warehouse was found tamper and foreign liquors were found inside the said warehouse. The landlord has also been made accused alongwith the petitioner who was not present at the place of occurrence. The petitioner had no knowledge regarding the said incident and he denies his involvement.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned C.J.M., Muzaffarpur, in connection with Excise Case No. 169 of 2016, arising out of Case No. 2/2016-17.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)