

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35755 of 2016

Arising Out of PS.Case No. -140 Year- 2016 Thana -CHARPOKHARI District- BHOJPUR

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Raju Singh Son of Late Kanhaiya Rai resident of Village- Sahejani, P.S.-
Piro, Dist- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Samrendra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 47 and 57 of the Bihar Excise (Amendment) Act, 2016.

The prosecution case is that 17 bottles each containing 750 ML Indian made foreign liquor were recovered from the possession of co-accused Pramod Kumar Yadav. Subsequently he confessed that the petitioner being the conductor of bus having registration No. BR24E0353, which plies between Ara to Ranchi, supplied the said seized liquor to him.

It is submitted by the learned counsel for the petitioner that the petitioner is not the conductor of the alleged bus which has been disclosed by the co-accused Pramod Kumar Yadav in his

confession rather he is the conductor of bus having Registration No. BR24P2665 which runs between Ara to Sasaram. Admittedly, there is no recovery from the petitioner nor anyone has seen the petitioner handing over the liquor to co-accused Pramod kumar Yadav. Even assuming the accusation no offence under Section 47 or 57 of the Bihar Excise (Amendment) Act, 2016 is made out against the petitioner. A statement has been made in para 3 of the petition that the petitioner has no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur, Ara in connection with Charpokhari P.S. Case No. 140 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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