

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53273 of 2016

Arising Out of PS.Case No. -364 Year- 2010 Thana -ARA NAWADA District- BHOJPUR

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Birendar Rai @ Birendra Kumar Rai Son of Late Raja Ram Rai, Resident
of Mohalla- Shahid Bhawan, P.S. Ara Nawada, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Sri Mustaque Alam

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 08-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Ara Nawada P.S. Case No. 364 of 2010 registered under
Section 47(A) of the Excise Act.

The accusation is that on receiving secret information
about selling the illicit liquor in a Gumti near Sahid Bhawan at
Ara, the Police reached there. On seeing the Police Party, one
person, who was sitting in front of the Gumti, started fleeing
away. On raid, the Police recovered 140 pouches of country-made
liquor, each containing 200 ml. in plastic bag. The persons present
there disclosed that the Gumti belongs to Birendra Rai (petitioner),
who fled away from there.



Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that the petitioner was not apprehended by the Police on spot rather his name has been disclosed as owner of the Gumti present there, fromwhere the aforesaid country-made liquor is said to be recovered. Further submission is that while the petitioner is accused in three other cases as detailed in paragraph no.3, which are lodged by his Gotia and in all cases, he is on bail.

Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the J.M., Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 364 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Rajendra Kumar Mishra, J)

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