

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8035 of 2016

Arising Out of PS.Case No. -441 Year- 2015 Thana -MANER District- PATNA

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Harendra Kumar, son of Sheo Dayal Rai, resident of village Jeev Rakhan
Tola, Darveshpur, Bagicha, P.S. Maner, Distt. Patna.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Opposite Party/s : Mr. Smt. Asha Kumari(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Maner P.S. Case No.441 of 2015 registered for offences
punishable under Sections 272, 273 and 290 of the Indian Penal
Code and Section 47(a) of the Excise Act.

The prosecution case is that the informant Bipul
Kumar Singh, ASI of Maner P.S., Patna, gave his self written
report addressed to S.H.O., Maner, Patna, and according to written
report of the informant, it transpires that on 12.10.2015, he along
with the police personnel were in day patrolling duty and received
information that Khaju Choudhary was selling illegal country
made liquor, put it in two plastic gallon. When the informant along
with other police personnel reached at the house of Khaju



Choudhary, then he saw one person fleeing away on seeing the police force. The informant wanted to catch hold, but he succeeded to flee away from the P.O. Thereafter, in presence of independent witnesses, search was made in the house of Khaju Choudhary and recovered 70 ltrs. illegal country made wine kept in two plastic Gallon. Accordingly, seizure list was prepared in presence of independent witnesses.

Thereafter the informant further alleged that on the basis of information received, he along with the other police personnel went behind Devi asthan Mandir, Jeev Rakhan Tola, Maner, and found that one person selling the Mahua liquor in packed bottles. One seeing the police force the person selling Mahua wine fled away from the P.O. Then the informant saw that a T.V.S. Motorcycle No.BR-01CQ-3351 was standing behind the Mandir and three bags full with illegal liquor total 50 pieces were loaded on the said Motorcycle. Accordingly, in presence of independent witnesses seizure list of the same has been prepared. The informant further alleged that it came to light that the said Motorcycle is in the name of Harendra Kumar (petitioner).

It has been submitted by the learned counsel for the petitioner that he is innocent and has committed no offence. It has further been submitted that the petitioner has no criminal history

as is evident from paragraph-3 of this petition.

The counsel for the petitioner contends that nothing incriminating has been found from his possession and just because the aforesaid quantity of liquor has been recovered from the motorcycle which belong to him, the petitioner cannot be implicated. In fact, it has been submitted that the petitioner, being a social worker, had all along tried to curb such illegal activity.

However, learned counsel appearing for the State submits that the petitioner is named in the First Information Report and the aforesaid quantity of liquor has been recovered from the motorcycle of the petitioner.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Danapur, Patna in connection with Maner P.S. Case No.441 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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