

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14423 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -BISFI District- MADHUBANI

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Suresh Singh son of Saryug Singh, resident of village- Noor Chak, P.S.
Bisfi, District- Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate

For the Opposite Party/s : Mr. Harendra Prasad(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-04-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Bisfi P.S. Case No. 12 of 2016 registered for offence punishable

under Section 47(A) of the Excise Act.

The prosecution case, in brief, is that the informant

having come to know that petitioner is selling contraband wine

from his Kathghera situated at Noorchak chowk without licence as

also serving wine to the customers, reached there and seized the

liquor and prepared seizure list in presence of Chowkidars.

It has been submitted by the counsel for the petitioner

that petitioner has no criminal history and he is also not concerned

with the alleged crime. No incriminating article has been

recovered from his possession and only on the basis of hear-say

petitioner is alleged to be the owner of the premises, where such raid has been conducted. It has further been submitted that the seizure list has been signed by the Chawkidars and not by any independent witness. Further, learned counsel submits that the petitioner was not even present on that day in the said village and is running a betel shop in one room and decoration shop in another room.

However, learned A.P.P. for the State submits that on the basis of statement of the villagers, petitioner has been named and, hence, opposes the prayer for bail.

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 bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipatti, Madhubani in connection with Bisfi P.S. Case No. 12 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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