

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19551 of 2016

Arising Out of PS.Case No. -91 Year- 2014 Thana -DARIYAPUR District- SARAN

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Ashok Rai @ Ashok Kumar Rai, son of Ambika Rai, resident of Village-
Chhatar Chapra, P.S.- Dighwara, District- Saran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sama Sinha, Advocate
Mr. Prem Ranjan Kumar

For the Opposite Party/s : Mr. Umesh Lal Verma(APP)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 02-08-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection
with Dariyapur P.S. Case No.91 of 2014 for allegedly having
committed the offence under Section 273 of the Indian Penal
Code and Section 47A of the Excise Act.

Ms. Sama Sinha, learned counsel appearing on behalf
of the petitioner submits that the petitioner is a holder of the
foreign liquor shop in question having valid licence with effect
from 1.4.2013 to 31.3.2014. It is submitted that the petitioner
had applied for transfer of the licence from his shop to the new
venue for which permission was also granted to him, vide letter
dated 2.4.2014. Accordingly, recovery of such liquor would not

tantamount to an offence under the Excise Act. Learned counsel for the petitioner further submits that the petitioner's case is prior to the promulgation of the new liquor policy.

Considering the aforementioned facts and circumstances and that the petitioner has no criminal antecedents of similar nature, save and except two cases referred to in paragraph 3 of the petition, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri Pradeep Kumar Chaudhary, Judicial Magistrate, 1st Class, Saran at Chapra, in connection with Dariyapur P.S. Case No.91 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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