

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40265 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -SARAN GRP CASE District- SARAN

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Captain Dheeraj Kumar @ Captain Dhiraj Kumar, son of Ram Nath Pandey, resident of Village - Ismail Chak, P.S. - Sonepur, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-09-2016 A supplementary affidavit has been filed on behalf of the petitioner. The same may be kept on the record.

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Section 47 of the Bihar Excise (Amendment) Act, 2016.

The prosecution story, in brief, is that on 6.8.2016 the informant and other police personnel were on patrolling duty, in the meantime a train stopped at the Hajipur Station and this petitioner, after getting down from the train, was going with a trolley bag and on suspicion when the said bag of the petitioner was searched by the informant and others, 22 bottles of RUM containing 750 ml each were recovered and for which a seizure

list was prepared. On inquiry, the petitioner told that he is a Captain in Indian Army and posted at Shilling.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.08.2016. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner is an Army Officer posted in the state of Meghalaya. He had come for his vacation. Under the army orders he was permitted to carry the wine for his personal consumption. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur in connection with G.R.P. (Sonapur/Hajipur) P.S. case No.65 of 2016.

(Sudhir Singh, J)

Narendra/-

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