

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50082 of 2016

Arising Out of PS.Case No. -212 Year- 2016 Thana -SAHPUR District- BHOJPUR

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Arjun Yadav, Son of Hareram Yadav, Resident of Village Pranpur,P.S.
Khejuri, District Balia (U.P.)

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
28.08.2016 in connection with Shahpur P.S. Case No. 212 of 2016
registered for the offence punishable under Sections 47/53 of the
Bihar Excise Amendment Act, 2016.

The prosecution case is that the police apprehended
the petitioner and other accused persons, some of them fled away,
and seized more than 2000 litres of foreign liquor from the pick-up
van, which was being driven by the petitioner and other accused
persons were sitting on motorcycles.

It has been submitted by the learned counsel for the
petitioner that petitioner is just the driver of the pick-up van and
has no criminal antecedent. He submits that Sections 47 and 53 of

the Bihar Excise Amendment Act, 2016 enforced with effect from 02.10.2016 is not applicable against him. He further submits that no article has been seized from the conscious possession of the petitioner and he was driving owner's vehicle on monthly remuneration of Rs. 7,000/- per month for his livelihood.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has no criminal antecedent and nothing has been seized from his possession, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-XIV, Bhojpur, Ara in connection with Shahpur P.S. Case No. 212 of 2016.

(Nilu Agrawal, J.)

Arjun/-

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