

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30444 of 2016

Arising Out of PS.Case No. -106 Year- 2016 Thana -SIMRI BAKHTIARPUR District- SAHARSA

Nunu Lal Mukhiya, S/o Late Jugal Mukhiya, Resident of Village-
Bhagwanpur, P.S- Bakhtiyarpur (Balbahat O.P.), District- Saharsa

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 08-09-2016 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 Bakhtiyarpur (Balbahat O.P.) P.S. Case No.106 of 2016 registered for the offence under Section 47 of the Excise (Amendment) Act, 2016.

Mr. N.K. Agrawal, learned Sr. Counsel appearing for the petitioner submits that neither the alleged recovery was made from the house of the petitioner nor his shop as he runs a Kirana shop, rather the alleged recovery was made from a place distant to the shop, which is an open field. Learned counsel for the petitioner further submits that the petitioner is not the owner of the land in question and the alleged recovery

has also not been made from his conscious possession. Furthermore, the ingredients of Section 47 of the Bihar Excise (Amendment) Act are not applicable against the petitioner as he has not indulged in any of the ingredients of the said offence.

In view of the aforementioned facts and circumstances and that the petitioner has no criminal antecedent, 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 the learned Chief Judicial Magistrate, Saharsa, in connection with Bakhtiyarpur (Balbahat O.P.) P.S. Case No.106 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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