

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40047 of 2016

Arising Out of PS.Case No. -202 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

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Awadhesh Rai Son of Punpun Rai, resident of village - Harauli, P.S. Sadar
Hajipur, District Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-09-2016

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Complaint Case No. C2A 202 of 2016 registered for the offence
punishable under Section 47(A) of the Excise Act.

The prosecution case, as stated in the complaint
petition, is that on 20.06.2016, on the basis of secret information,
complainant along with police party raided the poultry farm of the
petitioner and recovered 70.710 litres wine kept in a ditch.

It has been submitted by the learned counsel for
the petitioner that he is innocent and has falsely been implicated in
the aforesaid case. He submits that nothing incriminating has been
recovered from the possession of the petitioner and it is only on

the basis of trick of the police that the entire story has been concocted. It has further been submitted that the petitioner has no criminal history, as is evident from paragraph 3 of this application.

However, learned A.P.P. for the State submits that the liquor has been recovered from the poultry farm of the petitioner, opposes the prayer for bail.

Be that as it may, since nothing incriminating has been recovered from the possession of the petitioner and that he has no criminal history, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released 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, Vaishali in connection with Complaint Case No. C2A 202 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

Arjun/-

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