

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50819 of 2016

Arising Out of PS.Case No. -205 Year- 2016 Thana -RAJAULI District- NAWADA

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Deo Kumar Singh, S/o Late Bhola Singh, resident of East Colony Coal Dam, Bhousuria, P.S. Teturmari @ Tetulmari, District – Dhanbad (Jharkhand).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Devendra Prasad Singh, Advocate.

For the Opposite Party : Mr. Uday Pratap Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-11-2016 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in connection with Rajauli P.S. Case No. 205 of 2016 for the offences instituted under Section 47(a) of the Excise Act.

The prosecution story, in brief, is that on 21.08.2016, at about 18.04 hours in the night, the informant alongwith other forces was checking of the vehicle coming from Jharkhand at Samekit Check-Post at N.H. 31 and during that course at 19.00 hours, he saw that one white colour Scorpio vehicle was coming and when gave signal to stop, the driver fled away by driving the said vehicle rashly and the informant alongwith force chased the



said vehicle reached near at New Nalanda Hotel near Hardiya and saw the said Scorpio vehicle dashed with passenger shed and driver fled away leaving the said Scorpio. On search of the said Scorpio, total 107 bottles of different size of foreign liquor kept in nine cartoons, total 80.250 liters of foreign liquor were recovered from the said vehicle. From the document kept in Tool Box, the owner of the said vehicle is Deo Kumar Singh. Accordingly seized the same and seizure-list was prepared.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. He has falsely been implicated in the present case. Altogether nine cartoons of foreign liquor is said to have been recovered from the Scorpio vehicle of the petitioner. The petitioner is the owner of the said vehicle. He had no knowledge regarding the said wine being carried in his vehicle. There is no compliance of Section 100 Cr. P.C.

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

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail in the event of his arrest or surrender before the learned court below within a period



of six weeks from today in connection with Rajauli P.S. Case No. 205 of 2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

