

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19167 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

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1. Upendra Yadav S/o Sarwajeet Yadav resident of Village - Manpur, P.S. -
Durgawati, District - Kaimur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s Mr. Arun Kr.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 05.05.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under section 290
of the Indian Penal Code as well as section 47 of the Excise Act.

Petitioner and one co- accused were carrying foreign liquor
in two cartoons and seeing the police party, one co- accused managed
to escape whereas petitioner was caught with several bottles of foreign
liquor.

Submission on behalf of the petitioner is that one Mahesh
Kumar Singh was authorized licensee and, as a matter of fact, the
petitioner and co- accused were authorized agents of the aforesaid
licensee. It is further pointed out that the aforesaid recovery was made
on 31.3.2016 and, as a matter of fact, on the very next day, i.e.
1.4.2016 sale of foreign liquor was going to be prohibited and that was
the reason the stock of the licensee was being removed but

unfortunately, informant caught the petitioner and lodged this false case against him.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Kaimur at Bhabua in Durgawati P.S. Case no. 92/2016.

(Hemant Kumar Srivastava,J)



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