

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23810 of 2016

Arising Out of PS.Case No. -129 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

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Lalan Singh Son of late Ram Jatan Singh Resident of Village- Ghataro,
Police Station -Kartahan, District Vaishali at Hajipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash

For the Opposite Party/s : Mr. Aditya Narayan Singh 1(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 26-05-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
47(a)(d), 51 and 52(a)(b) of the Bihar Excise Amendment Act.

Huge quantity of country made liquor was
recovered from the orchard of the petitioner.

It is submitted by learned counsel for the
petitioner that the recovery cannot be treated from the possession
of the petitioner and orchard is open place and the petitioner did
not reside at the place of seizure. Moreover, even assuming the
accusation no offences under Sections 51 and 52(a)(b) are made
out. The seizure list witnesses were inimical terms with the
petitioner, hence, they have roped the petitioner in the present

case. The orchard in question was leased out for the purpose of poultry farm in favour of one Prince Kumar and the petitioner is accused in one other case in which on conclusion of the investigation final form has been submitted and petitioner has not been sent up for trial and on final form no order has been passed by the Magistrate.

Considering the above facts, it is a case for consideration of prayer for regular bail by the learned court below, preferably on the same day, if the petitioner surrenders before the learned court below within a period of six weeks from today in connection with C2A 129 of 2016 pending in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

With the aforesaid observation, this application is disposed of.

(Dinesh Kumar Singh, J)

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