

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53634 of 2016**

Arising Out of PS.Case No. -320 Year- 2016 Thana -GAYA MUFFSIL District- GAYA

=====

Raju Kumar @ Raju Rao, S/O Chotu Rao @ Chotu Prasad, R/O Village-  
Gandhi Nagar, P.S.- Mufasil, District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR**  
**MISHRA**  
**ORAL ORDER**

2      19-12-2016                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
  
Muffasil P.S. Case No. 320 of 2016 registered under Section 47 of  
  
the Bihar Excise Act.

The accusation is that, on 18.07.2016, on receiving  
  
information about carrying of illicit country made liquor near  
  
Ishwar Chaudhary Railway Halt, police official reached there and  
  
on seeing them four persons succeeded to flee away. On search,  
  
five gallons of country made liquor, each containing 20 litres and  
  
34 bottles, each containing 180 ml foreign made liquor were  
  
recovered. On inquiry, Havaladar, Bhola Yadav, disclosed the  
  
name of the petitioner and three others.

Learned counsel for the petitioner submits that it



would appear from the F.I.R. that petitioner was not apprehended by the police at the spot but on inquiry, Havaladar, Bhola Yadav, disclosed his name as he is an auto rickshaw driver and used to drive from Railway Station, Gaya to Gaya Medical, College and on refusal to pay the money to the police constable, petitioner has falsely been implicated in this case. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner 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, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Muffasil P.S. Case No. 320 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

