

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1614 of 2017

Arising Out of PS.Case No. -138 Year- 2016 Thana -BANIAPUR District- SARAN

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Chandrashekhar Kunwar, aged about 40 years, son of Janardhan Kunwar,
residence of village - Hariharpur, P.S. - Baniyapur, District - Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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

ORAL ORDER

2 20-01-2017 Let the supplementary affidavit filed on behalf of the

petitioner be kept on the record.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Baniyapur
P.S. Case No.138 of 2016 registered under Sections 272 and 273
of the Indian Penal Code besides Sections 43 and 63 of the Excise
Act.

The accusation is of recovery of 864 liters Indian Made
Foreign Liquor, kept in several boxes, from the sand godown of
the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that, in fact, the petitioner had license of selling the spirit and Indian Made Foreign Liquor for the financial year 2015-2016. Just after ending of the financial year 2015-2016, on 01.04.2016, while the Indian Made Foreign Liquor was being loaded on a tractor for destroying the same by the petitioner, the aforesaid tractor loaded with Indian Made Foreign Liquor was seized by the police and the petitioner was apprehended in connection with Baniyapur P.S. Case No.92 of 2016 and he was bailed out in that case on 17.04.2016 but when the petitioner was trying to destroy the remaining Indian Made Foreign Liquor, as kept in his sand godown, search was made by the police and the alleged Indian Made Foreign Liquor was recovered. Further submission is that the petitioner is in custody since 25.11.2016 in the present case.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Chapra, in connection with Baniyapur P.S. Case No.138 of 2016.

(Rajendra Kumar Mishra, J)

P.S./-

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