

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5773 of 2017

Arising Out of PS.Case No. -142 Year- 2016 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Lal Babu Sah @ Lal Babu Prasad Son of Kanhaiya Lal Sahu, Resident of
Village- Sugauli, P.S. Sugauli, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-03-2017 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case
registered under Sections 414, 272, 273/34 of the Indian Penal
Code and Sections 47(a) and 54 of the Bihar Excise Amendment
Act, 2016.

Allegation is that 411 liters of Nepali liquor was
recovered from a Bolero vehicle of the petitioner.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. It is
submitted that Section 76 (2) of the Bihar Excise Amendment Act,
2016 is not applicable in the present case as the case was



instituted prior to the said provision came into force. It is alleged that 411 liters of Nepali liquor is said to have been recovered from a Bolero vehicle. Petitioner is owner of said vehicle. The petitioner has not been apprehended at the spot. There is no compliance of Section 100 of the Cr.P.C.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran in connection with Adapur P.S. case No.142 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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