

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5259 of 2017

Arising Out of PS.Case No. -239 Year- 2016 Thana -MITHANPURA District- MUZAFFARPUR

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1. Deepak Prasad Singh @ Deepak Kumar, Son of Sri Nagendra Prasad Singh, Resident of Mohalla- Shiv Shankar Path, P.S.- Mithanpura, District- Muzaffarpur Petitioner

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Surendra Kumar Mishra, Adv.

For the Opposite Party : Ms. Sahin Begam, APP 134

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

2 03-03-2017

Heard the learned counsel for the petitioner and the State.

This is a petition for grant of anticipatory bail for offence under Sections 290 and 34 of the Indian Penal Code and 30(a) of the Bihar Excise Amendment Act, 2016.

From the house of this petitioner at Mohall Shiv Shankar Path, Mithanpura, in the district of Muzaffarpur, foreign liquor was recovered on 09.10.2016.

Submission of the petitioner is that is that the petitioner has leased out the said house to one Guddu Rai on 05.08.2016 itself and the lease deed, at Annexure 3, would reveal that reason for lease is that the petitioner and his family resides in NOIDA, Uttar Pradesh. There is specific provision in the lease deed that the lessee would not use the same for any illegal or immoral purpose.

Considering the aforesaid fact and presumption under Section 32 of the Act is not attracted



against the petitioner, the petitioner, above named, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Mithanpura P.S. Case No. 239 of 2016** to the satisfaction of the **Subdivisional Judicial Magistrate, East, Muzaffarpur**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Birendra Kumar, J)

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