

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22548 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -DALSINGHSARAI District- SAMASTIPUR

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Umesh Rai Son of Upendra Rai Resident of Village- Raghuwarpur, P.S.
Dalsingsarai, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 13-07-2017 Heard learned counsel for the petitioner and Sri
Ajay Kumar, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in
Dalsingsarai P.S. Case No. 55 of 2017 registered for offence under
Section 47(A) of the Excise Act and Sections 30(a)/38(i)(2) of the
Bihar Excise Amendment Act, 2016, has prayed for grant of bail
in the event of his arrest or surrender.

It was submitted by learned counsel for the
petitioner that F.I.R. was lodged on self-statement of police
officer. Though, alleged occurrence had taken place on
02-03-2017 when Bihar Prohibition and Excise Act, 2016 was
already implemented, in casual manner, the informant (police
officer) has mentioned as if the offence is under Bihar Excise
Amendment Act, 2016. He further submits that in illegal manner,



it was shown that beneath betel shop of the petitioner, recovery of six bottles of Indian make foreign liquor was shown. However, petitioner was not present at the time of recovery nor anything was recovered from his betel shop. He further submits that on the seizure list, none of the witnesses has come forward to become a witness and all the witnesses are member of the raiding party.

In this case, earlier case diary was called for, however; from the case diary, learned Addl. Public Prosecutor was not in a position to highlight any direct accusation against the petitioner, save & except, the allegation, which was made in the F.I.R.

Considering the nature of accusation, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Umesh Rai be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Dalsingsarai, Distt. – Samastipur in connection with Dalsingsarai P.S. Case No. 55 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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