

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29590 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -EKMA District- SARAN

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Bablu Choudhary, Son of Sri Kishun Choudhary, resident of Village-
Nautan Bazar, P.S. Ekma, District Saran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Adv.

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 10-08-2017 Heard Sri Harsh Anuj, learned counsel for the
petitioner and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Ekma
P.S.Case no.62/2017 registered for the offence under Sections
272, 273 of the Indian Penal Code and Section-30 of the Bihar
Prohibition and Excise Act, 2016, has prayed for grant of bail, in
the event of his arrest or surrender.

By way of referring to the statement made in
paragraph-3 of the petition , it was submitted by learned counsel
for the petitioner that the petitioner is having clean antecedent and
in the present case, he has been falsely made accused on
accusation of recovery of country-made liquor, which was kept in
bag hung on a motorcycle, which was lying in verandah. He
submits that of course, the police had conducted a raid in the



house of the petitioner after getting some secret information, none of the family members were found in the house. He submits that it is a peculiar case that even after sunset without any search warrant the police intruded in the house of the petitioner and conducted raid/ search. He has argued that the power, which has been given to the police up to the rank of Sub-Inspector of Police regarding entry in the premises is contrary to the provision of Code of Criminal Procedure. He submits that illegally search was made in the house while none of the family members were present in the house and the petitioner was made accused, as if the petitioner having seen the police had fled away.

Considering the facts and circumstances, let the petitioner, namely, Bablu Choudhary, in the event of his arrest or surrender within six weeks from today, be released 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 6th Addl. Sessions Judge, Saran in connection with Ekma P.S. Case no.62 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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