

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25183 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -MINAPUR District- MUZAFFARPUR

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1. Umesh Prasad, son of Babulall Prasad, resident of Village- Mustafaganj,
Police Station- Minapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Sri Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 06-06-2017 Heard Mr. Ajay Kumar Singh, learned counsel

appearing for the petitioner and learned A.P.P. for the State.

The petitioner is seeking regular bail in Minapur
P.S.Case No. 92 of 2017 for the offences alleged under Sections
272 and 273 of the Indian Penal Code and 30(A), 38, 41, 47 and
48 of Bihar Prohibition and Excise Act, 2016.

The prosecution case, as alleged in the FIR, would
show that on the basis of secret information on 02.04.2017, the
informant raided the house of the accused persons and in course of
search, 23 pieces of bottles containing Royal Stag 180 ml and 4
pieces of bottles containing Royal Stag 750 ml liquor was
recovered.

Learned counsel for the petitioner submits that the



petitioner was buying vegetables from the market when he was arrested and he was not aware of any search and recovery from his house. It is further submitted that the petitioner is in custody since 03.04.2017.

Learned A.P.P. points out that the petitioner has got one more case being Minapur P.S.Case no.309 of 2016 though he is on bail, he does not deserve privilege of bail once again in the same case.

Considering the fact that the petitioner has been granted bail in earlier case and thereafter recovery is alleged from his house but not from his possession, as submitted by the learned counsel for the petitioner, let the petitioner, namely, Umesh Prasad, be released, after completion of three months in custody, on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge- cum- Special Judge Excise, Muzaffarpur in Minapur P.S.Case No.92 of 2017, subject to the condition that one of the bailors of the petitioner shall be a family member not having any criminal antecedent.

(Rajeev Ranjan Prasad, J)

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