

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43112 of 2017

Arising Out of PS. Case No.-85 Year-2017 Thana- KALYANPUR District- Samastipur

Raju Giri , S/o Late Arvind Giri Resident of village- Singhyahi, P.S.-
Kalyanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Opposite Party/s : Sri Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 19-09-2017 Heard Sri Mukesh Kumar No. 1, learned counsel for the
petitioner and Sri Ram Bachan Singh, learned Additional
Public Prosecutor .

The sole petitioner, who is in custody since 05.06.2017 in
Kalyanpur P.S. Case No. 85 of 2017 registered for the offence
under Section 48/52 of the Bihar Excise Amendment Act ,
2016 (hereinafter referred to as “Excise Act”) and Section 414
of the Indian Penal Code 1860 has prayed for grant of bail
primarily on the ground that it is a peculiar case in which
though provision of Excise Act has been incorporated no
liquor was recovered from either possession of the petitioner or
possession of any of the accused persons. Only on confessional
statement of one of the accused, who has stated that he was
going to take delivery of liquor from petitioner and others,



the case was made out. Besides this, it has been argued that petitioner is having clean antecedent and this statement has been made in paragraph no. 3 of the petition.

Considering the nature of accusation, clean antecedent as well as period of custody, let the petitioner Raju Giri be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 6th -cum -Special Judge, Excise Act, Samastipur / concerned court in connection with Kalyanpur P.S. Case No. 85 of 2017 .

(Rakesh Kumar, J)

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