

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55312 of 2016

Arising Out of PS.Case No. -89 Year- 2012 Thana -GOVERNMENT OFFICIAL COMP. District-
BANKA

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Wakil Mandal, Son of Late Funsu Mandal, Resident of Village - Vidu
Vishunpur Mahota, P.S. - Amarpur, District - Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate.

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-01-2017

Heard both sides.

The petitioner apprehends his arrest in Prosecution
Case No. C-7-89/12 registered under Sections 47(a)/47(f) of the
Bihar Excise Act.

Learned counsel for the petitioner submits that the
allegation against the petitioner is that besides six litres of Jawa
Mahua, two litres of Mahua liquor was recovered from the house
of the petitioner. Learned counsel for the petitioner submits that
the petitioner is an old man, aged about 80 years, and on the date
of the occurrence the petitioner was aged about 76 years and he is
not in a position to move even. The search and seizure was not
made in accordance with law. The house from where seizure is
made is the joint family property.

Considering the facts aforesaid and the fact that the



petitioner is an infirm man, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to 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 the learned Sub Divisional Judicial Magistrate, Banka in Prosecution Case No. C-7-89/12, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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