

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44000 of 2017

Arising Out of PS. Case No.-109 Year-2017 Thana- BAUSI District- Purnia

Kabatullah @ Munna @ Kabutulla, Son of Maqbul Hussain, Resident of
Village- Dangraha, Police Station- Baisi in the district of Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Sri Raj Kumar, learned counsel for the petitioner
and learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Special
Excise Case No.1648 of 2017 (arising out of Baisi P.S. Case
No.109 of 2017) registered for the offence under Section 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise 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
in the present case, recovery of two bottles of beer each
containing 500 ml. was shown from a Maruti Breza car of
brother of the petitioner and the petitioner has falsely been
made accused in the present case. Learned counsel for the
petitioner submits that except the present case, the petitioner



was never earlier made accused in relation to the offence under the Excise Act.

Considering the nature of accusation as well as the fact that the petitioner was not owner of the vehicle, in which seizure was affected, let the petitioner, namely, Kabatullah @ Munna @ Kabatulla, 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 the learned 2nd Addl. Sessions Judge- cum- Special Judge(Excise), Purnea in connection with Special Excise Case No.1648 of 2017 (arising out of Baisi P.S. Case No.109 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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