

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27331 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -MANER District- PATNA

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Raju Kumar, Son of Jawahar Rai @ Jawahir Ray, Resident of Mohalla-
Nilkhanth Tola, Goraiya Asthan, P.S. Maner, District-Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 13-06-2017 Learned counsel for the petitioner submits that the Special Case is mentioned on the first page of the F.I.R., therefore, the defect may be ignored.

In view of the explanation furnished, let the defect be ignored.

Learned counsel for the petitioner, with consent of learned A.P.P., prays for hearing the matter.

Heard Sri Sanjay Kumar Mishra, learned counsel for the petitioner and Sri Ajay Kumar, learned A.P.P. for the State.

The petitioner is seeking regular bail in connection with Maner P.S. Case No. 83 of 2017 for offence registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that a bare perusal of the First Information Report shows that there is no



recovery either from the person of the petitioner or from his house and the whole allegation is that the illegal liquor was being concealed in the sand near the bank of Gaga and the petitioner was apprehended from there. Learned counsel further submits that petitioner has no criminal antecedent and he has falsely been implicated in the present case. He also submits that seizure of the articles has not been made in accordance with Section 100 of Cr.P.C. and petitioner is in custody since 23.02.2017.

Learned A.P.P. opposed the prayer for bail.

Considering the facts and circumstances of the case and nature of allegation particularly that the Chargesheet has already been submitted and there is no chance of tampering with the evidence as also that the petitioner is in custody for about three and half months, let the petitioner 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 the Special Judge-Excise, Patna in connection with Special Case No. 309 of 2017.

(Rajeev Ranjan Prasad, J)

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