

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5082 of 2017

Arising Out of PS.Case No. -269 Year- 2016 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Sukhu Mahto, S/o Kailash Mahto, Resident of Village- Mahadeo Asthan,
Rahui Bazar, P.S.- Rahui, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh.

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 17-03-2017 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in Rahui
P.S. Case No.269/16 registered for the offence under Section
30(A)/38/47 of Bihar New Amendment Excise Act.

Accusation is that on a secret information about
selling illicit liquor in Rahui Bazar, the police party reached there
and on seeing them two persons started to fleeing away but both
were apprehended. Both disclosed their names as Vicky Kumar
and Prince Kumar. Prince Kumar was found in drunken state who
disclosed that he had purchased country made liquor from co
accused Vicky Kumar on payment of Rs.1200/- and on his



instruction room of Vicky Kumar was searched from where total 71 bottles each containing 750 ml. Indian made foreign liquor and 13 empty bottles recovered. On query it came to light that the petitioner was the owner of the house and he was absent at the time of search.

Learned counsel for the petitioner submits that, in fact, the petitioner had let out his house on rent from where in one room 71 bottles of India made was said to be recovered. As such, the petitioner had no knowledge about keeping the liquor by his tenant Vicky Kumar.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest of surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Nalanda at Biharsharif, in Rahui P.S. Case No.269/16, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Rajendra Kumar Mishra, J)

AnilKrSinha/-

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