

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6198 of 2017

Arising Out of PS.Case No. -704 Year- 2016 Thana -BANKA District- BANKA

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Mama Kisku @ Babulal Kisku, son of Late Budhu Kisku, resident of
Village- Kaharbandh, Police Station- Banka, District- Banka.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Amrendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017

Heard learned counsel for the petitioner.

The petitioner is apprehending his arrest in connection
with Banka P.S. Case No. 704 of 2016 registered for the offences
punishable under Sections 47A, 47D, 47E and 153(C) of the Bihar
Excise (Amendment) Act, 2016.

Allegation against the petitioner as per FIR is that 1/2
litres of country made Mahua liquor and 5 Kg. of Mahua have
been recovered from the house of the petitioner.

It has been submitted on behalf of the petitioner that
there is no compliance of Section 100 of the Code of Criminal
Procedure and the petitioner has been falsely implicated in the
case and has no criminal antecedent.

Heard learned APP also.



Considering the submission, as above, the petitioner is directed to surrender before the court below within a period of four weeks and if he has done so, the court below shall consider the aspect of the matter that petitioner has no criminal antecedent and only a very small quantity of country made liquor and Mahua has been recovered from him and after considering all these aspects, learned court below shall dispose of the prayer for bail of the petitioner, on very same day, without being prejudiced by this order.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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