

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55683 of 2016

Arising Out of PS.Case No. -185 Year- 2015 Thana -MANJHAHGARH District- GOPALGANJ

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1. Sanjiv Kumar, Son of Shivshankar Yadav, Resident of Village- Paharpur,
Police Station- Barhariya, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Rajendra Singh Shastriji

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 13-01-2017 Heard both sides.

The petitioner apprehends his arrest in Manjhagarh
P.S. case No. 185 of 2015 under Section 308 and other Sections of
the Indian Penal Code and under Section 47(a) of the Excise Act.

The police got information of preparing country
made liquor and on such a raid was conducted. A Palani was
raided and from where country made liquor and manufacturing
articles of country made liquor were recovered. The villagers
disclosed that Palani belongs to the petitioner.

The learned counsel for the petitioner submits that
petitioner is not owner of the Palani and house of petitioner is
situated at a distant place from the Palani. The police after
investigation submitted final form against the petitioner but the



learned Judicial Magistrate took cognizance differing with the finding of Investigating Officer.

Considering the facts aforesaid and the fact that petitioner claims that he is not the owner of Palani and police also found that petitioner is not owner of the Palani, 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 Judicial Magistrate, 1st class, Gopalganj in Manjhagarh P.S. Case No. 185 of 2015, Trial No. 2126 of 2016, 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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