

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27462 of 2017

Arising Out of PS.Case No. -69 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

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Arjun Kumar Rai, Son of Baidhnath Rai, Resident of Village-
Ramchandrapur Chora, Police Station- Bibhutipur, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate.

For the Opposite Party/s : -----

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-07-2017 Heard Sri Jay Prakash Sharma, learned counsel for
the petitioner.

No one appears for State.

The petitioner in the present case is seeking regular
bail in Bibhutipur P.S. Case No. 69 of 2017 under Sections 30(a)
of the Bihar Excise and Prohibition Act, 2016.

Learned counsel for the petitioner submits that from a
bare perusal of the First Information Report it would appear that
the seizure has not been made from the house of the petitioner,
rather it is alleged that the seizure is from the backyard of the
house and, therefore, it is not in conscious possession of the
petitioner. He also submits that the petitioner lives in a joint
family and has been falsely implicated in the present case. The
seizure is not in accordance with Section 100 of the Code of



Criminal Procedure. Learned counsel further submits that the petitioner has also been implicated in Dalsinghsarai P.S. Case No. 87 of 2017, which has been lodged for the same cause of action as the one for which the present case has been filed. The petitioner has already been granted regular bail in the said case by the learned court below.

Considering the facts and circumstances of the case and that there is no criminal antecedent of the petitioner save and except the present case and the one arising out of the same transaction as also that the petitioner is in custody since 05.04.2017, let the petitioner, namely, Arjun Kumar Rai be enlarged on bail on his furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rosera, District Samastipur in Bibhutipur P.S. Case No. 69 of 2017, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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