

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6069 of 2018

Arising Out of PS.Case No. -57 Year- 2017 Thana -DORIGANJ District- SARAN

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Amit Singh @ Amit Kumar Singh @ Chhotu Singh, Son of Shila Singh,
R/o Village- Mehrauli, P.S.- Doriganj, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh

For the Opposite Party/s : Mr. Sri Suresh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 07-02-2018 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with

Doriganj P.S. Case No. 57 of 2017 registered under Section 273 of

the Indian Penal Code and Section 30(a) of the Bihar Excise Act.

The accusation is that in course of patrolling duty the

informant received secret information to the effect that at the

house of the petitioner cartons of illicit liquor were unloaded to

the Jeep. Thereafter, informant along with others reached at the

house of the petitioner and started searching in his house. At that

time, some sound heard behind the house then informant and other

police officials reached at the back side of the house of the

petitioner, on which, one person succeeded to flee away throwing



cartoon containing illicit liquor. The local Choukidar disclosed the name of this petitioner, who succeeded to flee away. On search, 96 pieces, each containing 750 ml, Indian made foreign liquor kept in eight cartoons recovered.

Learned counsel for the petitioner submits that, earlier, the prayer of the petitioner for grant of anticipatory bail was dismissed as withdrawn vide order dated 07.08.2017 passed in Criminal Misc. No. 30210 of 2017, due to non-maintainability of the application under Section 438 of the Code of Criminal Procedure for the offence under the Bihar Excise (Amendment) Act, 2016, but later on, a Division Bench of this Court in Criminal Misc. No. 21578 of 2017 (Manish Kumar Alias Lokesh Kumar Versus The State of Bihar) held that the application under Section 438 Cr.P.C. is maintainable for the offence of Bihar Excise (Amendment) Act, 2016. Further submission is that it would appear from the F.I.R. that petitioner was not apprehended at the spot rather his name was disclosed by local Choukidar and bottles of illegal country made liquor were recovered behind the house of the petitioner not from the house of the petitioner.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 6th Additional Sessions Judge, Saran at Chapra, in connection with Doriganj P.S. Case No. 57 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

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