

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33338 of 2018

Arising Out of PS. Case No.-149 Year-2018 Thana- PATLIPUTRA District- Patna

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Pintu Singh @ Brajesh Singh @ Brajesh Kr. Singh, S/o Bhim Prasad Singh,
R/o Naya Bazar, P.S.- Sadar, District- Saharsa, at present New Patliputra
Colony, (Wazir Aptment) Flat No.204, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-06-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody in connection with
Patliputra P.S. Case No. 149 of 2018 for the offence under
Sections 30 (a) 38 (1) (2) 41 (1) of Bihar Excise Prohibition
Amendment Act, 2016.

Learned counsel for the petitioner submits that
petitioner has no criminal antecedent. He submits that the
petitioner is not connected with the liquor in question, which
was recovered from flat No. 204 of Wazir Apartment. The
statement made in paragraph No. 10 is that when the petitioner
had gone to attend the marriage ceremony in the family of
brother-in-law co-accused has committed mischief taking



advantage of the absence of the family member of the petitioner. Learned counsel for the petitioner submits that the Baliram Kumar @ Chhotu has kept the liquor in the Kitchen of flat No. 204 of Wazir Apartment. It is further stated that the petitioner never used wine and he has been made victim of the circumstances.

Considering the fact that the flat in question, where the liquor was kept, was allowed to be used by Baliram Kumar @ Chhotu and the fact that the petitioner has no criminal antecedent, let the petitioner, above named, be released 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 A.D.J.-II cum Spl. Judge of Excise Patna in connection with Patliputra P.S. Case No. 149 of 2018, (SPL case 3541 of 2018) subject to the condition that the bailor should be the flat owner of Wazir Apartment, where the recovery was made.

(Anil Kumar Upadhyay, J)

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