

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36785 of 2018

Arising Out of PS. Case No.-312 Year-2017 Thana- HUSAINGANJ District- Siwan

Balindra Singh son of Chhathu Singh, resident of Village- Hasanpurwa Tola,
Rampur, Police Station- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and State.

The petitioner is in custody in connection with Hussainganj Police Station case No. 312 of 2017 for the offence registered under Sections 272, 273, 308 of the Indian Penal Code and sections 30, 36, 38, 41 (I), 62 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that in the instant case seizure was made from the Bathan of the petitioner. Counsel for the petitioner submits that Bathan is open place and as seizure from Bathan cannot be taken as recovery from the conscious possession of the petitioner. He further submits that similarly circumstanced other co-accused have been granted anticipatory bail as well as regular bail. From the stamp report it appears that Bittu @ Prakash Singh and Niraj Singh were



granted regular bail vide order dated 22.12.2017 and 23.01.2018
whereas anticipatory bail was granted to Vijay Chaudhary vide
order dated 20.02.2018 in Cr. Misc. No. 9510 of 2018.

Considering the aforesaid, let the petitioner, named
above is directed to be released on bail on furnishing bail bond
of Rs.10000/- (Rupees ten thousand) with two sureties of the
like amount each to the satisfaction of learned Additional
Sessions Judge-2nd-cum Special Judge, Excise, Siwan in
connection with Hussainganj Police Station Case No. 312 of
2017.

(Anil Kumar Upadhyay, J)

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