

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54926 of 2018

Arising Out of PS. Case No.-493 Year-2018 Thana- BARACHATTI District- Gaya

Vishvajit Kumar Bhandari S/o Late Suryanandan Prasad, R/o Badi Pahadi,
P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody in connection with Barachatti Police Station Case No. 493 of 2018, registered for the offence punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal code and under Sections 30 (a), 38, 42 and 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner is not main accused of the instant case and no case under Section Excise Act is made out against the accused. Learned counsel further submits that petitioner is in custody since 24.7.2018. Learned counsel for the petitioner with reference to the provision of Excise Act submits that the instant case was registered without following the mandatory



requirement of procedure under the Excise Act. He submits that nothing was recovered from the conscious possession of the petitioner rather the petitioner was victimized by the police. He submits that co-accused Kundan Kumar had already granted bail by co-ordinate Bench of this Court vide order dated 30.8.2018 in CrI. Misc. No. 53529 of 2018.

Considering the aforesaid facts that the petitioner has remained in custody for more than two months and co-accused Kundan Kumar had already been granted bail by co-ordinate Bench of this Court vide order dated 30.8.2018 in CrI. Misc. No. 53529 of 2018., let the petitioner named above to be released on bail after 21.10.2018 on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Learned Court of Special Judge, Excise, Gaya in connection with Barachatti Police Station Case No. 493 of 2018.

(Anil Kumar Upadhyay, J)

T.Kr./-

U		T	
---	--	---	--

