

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 62672 of 2018

Arising Out of PS. Case No.-309 Year-2017 Thana- Malsalami District- Patna

Sanjay Kumar @ Barku, Son of Late Laxmi Gope, resident of Mohalla Badi Nagla, Simli Sahadra Ramdhani Road Nagla, P.S.- Malsalami, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rudra Deo

For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 08-10-2018 Heard Sri Rudra Deo, learned counsel for the petitioner and Sri Tapeswar Sharma, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Special Case No. 7851 of 2017, arising out of Malsalami P.S. Case No. 309 of 2017 registered for offence under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(a), 38, 41 of Bihar Prohibition and Excise Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

By way of referring to F.I.R., learned counsel for the petitioner submits that nothing was recovered from conscious possession of the petitioner, rather in the case, about 12 liter of country-made liquor was found behind a *gumati*, which was taken by one of the accused Pappu Kumar @ Pramod Kumar on



rental basis from the petitioner and petitioner, only being owner of the said *gumati*, has been arrayed as accused in the present case, whereas, petitioner is having clean antecedent, which fact has been stated in paragraph – 3 of the petition.

In view of facts and circumstances, particularly the fact that nothing was recovered from conscious possession of the petitioner and petitioner is having clean antecedent, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Sanjay Kumar @ Barku be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Spl. Case No. 7851 of 2017, arising out of Malsalami P.S. Case No. 309 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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