

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3597 of 2018

Arising Out of PS.Case No. -227 Year- 2017 Thana -MUFFASIL District- AURANGABAD

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1. Harendra Singh, S/o Late Jag Dayal Singh, resident of Village- Rawal Bigha, P.S. Aurangabad (Muffasil), District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 01-02-2018 Heard the parties.

The petitioner is apprehending his arrest in connection with Aurangabad (Muffasil) P.S.Case No.227 of 2017 , registered for offences punishable under Sections 30(a), 38(1)(2) of Bihar Excise Prohibition and Excise Act, 2016.

Allegation against the petitioner is about recovery of 13 ltrs. of liquor from the market of the petitioner.

Submission of the learned counsel for the petitioner is that the said recovery is from a room of the market, which is not in the possession of the petitioner and further the market is in the joint possession of the petitioner and his brothers, as such he may not be liable for the same.

Heard learned A.P.P. also.



Having heard both sides and in view of the facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Session's Judge VII-cum-Special Judge (Excise), Aurangabad in connection with Aurangabad (Muffasil) P.S. Case no.227 of 2017, subject to conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the investigation of the case and make himself available as and when required by the police, otherwise, the prosecution is free to move for cancellation of his bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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