

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46991 of 2017

Arising Out of PS.Case No. -297 Year- 2017 Thana -SHASTRINAGAR District- PATNA

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Tribhuwan Nath Roy, S/o Late Pashupati Nath Roy, Resident of House No.23, Road No.5, East Patel Nagar, P.O. & P.S.- Shastrinagar, Patna-800023.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay

For the Opposite Party/s : Smt. Abha Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

6 10-01-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Shastrinagar P.S. Case no. 297 of 2017, registered under Section 30(a), 38, 47 and 54 of Bihar Prohibition and Excise Act.

The accusation is that on receiving the secret information about keeping of suspicious cartons by two persons on motorcycle in front of Friends Shanti Apartment situated at Patel Nagar, Patna, the informant being the Police official reached there along with the other police personnel and apprehended both persons, who disclosed their names as Bimlesh Kumar @ Aryan and Vikash Kumar @ Vicky. It is alleged that one Maruti car was also present there. On search, 73 bottle each containing 180 ML India made foreign liquor recovered in carton. The apprehended person disclosed that one Madhuresh Sharma used to reside in rented house of the petitioner, who had with the Maruti car fled away after seeing the Police. Thereafter, Police



personnel reached at the house of petitioner in which Madhuresh Sharma, who used to reside in house of the petitioner, but his house was found lock. Thereafter, the door of the flat was opened and 384 bottles, each containing 180 ML India made foreign liquor, was recovered in several cartons. It is alleged that the petitioner, who is the owner of the said house was also not present there. It is alleged that petitioner being the owner of the house did not inform the Police regarding keeping of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is the retire engineer from the Government department and he has falsely been implicated in this case only on the basis that he is owner of the house in which Madhuresh Sharma used to reside on rent. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise Patna in connection with Shastri Nagar P.S. Case No. 297 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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