

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55172 of 2017

Arising Out of PS.Case No. -474 Year- 2016 Thana -BARACHATTI District- GAYA

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Satyam Lala @ Satyam Kumar, Son of Shiv Kumar Prasad @ Sheo Kumar Prasad Sinha, Resident of Simduara, P.S. - Jogyara, Present at Mohalla - Babhani, P.S. + District - Chatra (Jharkhand).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 31-01-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Barachatti P.S. Case No.474 of 2016 registered under Sections 272, 273 and 120(B) of the Indian Penal Code besides Sections 30(a), 32(ii), 38 and 47 of the Bihar Excise (Amendment) Act, 2016.

The accusation is that in course of checking of the vehicles by the informant, the S.I. of Barachatti Police Station, two vehicles, one white colour Bolero vehicle and one red colour Alto Car, were seen coming in high speed. On giving the signals to stop the vehicles, four persons started to flee away from red



colour Alto Car and one person was found sitting in white colour Bolero vehicle. While four persons were apprehended but one succeeded to flee away. The caught hold persons disclosed their name as Chhotu alias Dilantaj, Atul Kumar, Sonu Kumar and Satyam Lala (petitioner). On search of the bolero vehicle, 480 liters country made liquor was recovered.

Learned counsel for the petitioner submits that, earlier, the prayer of the petitioner for grant of anticipatory bail was dismissed as withdrawn vide order dated 31.07.2017 passed in Criminal Misc. No.15427 of 2017, due to non-maintainability of that application filed under Section 438 of the Code of the Criminal Procedure for the offence under the Bihar Excise (Amendment) Act, 2016, but, later on, a Division Bench of this Court in Criminal Misc. No.21578 of 2017 (Manish Kumar alias Lokesh Kumar Versus The State of Bihar) held that the application filed under Section 438 of the Code of Criminal Procedure for the offence under the Bihar Excise (Amendment) Act, 2016, is maintainable. It is further submitted that, in fact, the petitioner was driving the red colour Alto Car but with an ulterior motive, the petitioner has falsely been implicated in this case by the police. In fact, the petitioner had no criminal antecedent but after lodging of the present case, he has been made accused in a



case, as detailed in paragraph-3 to this application.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge Excise, Gaya, in connection with Barachatti P.S. Case No.474 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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