

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5848 of 2019

Arising Out of PS. Case No.-145 Year-2018 Thana- CHHAURADANO District- East
Champaran

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VIVEK KUMAR son of Bhairo Lal Rai Vill-Pachpokhariya,P.S-
Chhauradano(Mahuawa), Distt.-East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mr.Rajendra Singh Shastri , App(47)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 13.11.2018 in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as per the written report of Navin Kumar Singh, ASI, Mahuawa Police Station is to the effect that on 27.5.2018 when he along with other constables, was on patrolling, received information that some persons are sitting with illicit liquor at village Pachpokhariya. On seeing the police, one person escaped from the scene while the other was apprehended who disclosed his name as Bhairawlal Rai and he disclosed the name of the persons who escaped as Vivek Kumar (petitioner). It is further alleged that from the bamboo clump 81



litres Nepali liquor was recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from the petitioner. The petitioner has been made accused in one other case of similar nature.

Learned APP submits that the father of the petitioner named him as a person who escaped from the scene.

Considering the fact that recovery has been made from the bamboo clump and the period under custody, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, East Champaran, Motihari in connection with Chhauradano (Mahuawa) P.S. Case No.145 of 2018.

(Dinesh Kumar Singh, J)

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