

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9709 of 2019

Arising Out of PS. Case No.-480 Year-2018 Thana- BARHARA District- Bhojpur

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SUMIT KUMAR @ SUMIT SINGH Son of Manoj Kumar Singh @ Rukhi
Singh Resident of Village – Akauna, P.S. Barahara, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

4 08-07-2019 Let the supplementary affidavit filed on behalf of the

petitioner be kept on the record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Excise Case No.2108 of 2018, arising out of Barhara P.S.
Case No.480 of 2018, registered under Section 30(a) of the
Bihar Prohibition and Excise Act.

The accusation is that in course of checking of the
vehicles, when the signal was given to driver of one Apachi
Bike on which one boy was also sitting, to stop the same, then
he started to flee away accelerating the speed of the bike. In
that course, the bike fell in the sand. While the bike driver



succeeded to flee away but the boy, who was sitting on the bike and had kept the bag on his back and also in the mid of the bike, was apprehended, who disclosed his name as Harekrishna Singh alias Gopal, and also disclosed the name of the petitioner, who succeeded to flee away. On search of the bag, 14 bottles, each containing 375 ml. Indian Made Foreign Liquor, and 7 bottles, each containing 750 ml. Indian Made Foreign Liquor, were recovered. The apprehended accused Harekrishna Singh alias Gopal also disclosed that he and this petitioner used to do the business of liquor. Thereafter, the informant along with other police officials with Harekrishna Singh alias Gopal reached at the house of the petitioner from where 16 bottles, each containing 375 ml. Indian Made Foreign Liquor, were recovered but the petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the seizure list in respect of the recovery of 16 bottles, each containing 375 ml. Indian Made Foreign Liquor, from the house of the petitioner was made on which Harekrishna Singh alias Gopal put his signature about receiving the copy of the seizure list. In fact, the petitioner and the co-accused Harekrishna Singh alias Gopal are pattidars and used to reside in the same house but with an ulterior motive, the



petitioner, who is the student of Intermediate, has falsely been implicated in this case. The petitioner has no criminal antecedent.

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 4th Additional Sessions Judge, Bhojpur, Ara, in connection with Excise Case No.2108 of 2018, arising out of Barhara P.S. Case No.480 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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