

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24018 of 2019

Arising Out of PS. Case No.-44 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Surendra Singh Son of Late Chandan Singh, Resident of Village-Charo, Ward
No.11, P.S-Warasnagar, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh
For the Opposite Party/s : Mr. Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner apprehends his arrest in connection with
Excise Case No. 44 of 2019 registered for the offence
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act.

34.140 lts. of country made liquor is said to have
been recovered from the open court yard of the petitioner and
petitioner managed to escape.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern with the
seized liquor. Aangan of the petitioner is open and unbounded



and is accessible to all. Petitioner had no knowledge of keeping of aforesaid liquor in the said Aangan. Moreover, there is violation of Section 100 Cr.P.C. as the copy of the said seizure list has not been furnished to the family members of the petitioner and does not bear their signature. No offence under Excise Act is made out against the petitioner. Petitioner has no criminal antecedent.

On the other hand, learned APP opposed the bail prayer of the petitioner.

In 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 six 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 learned 3rd Addl. Sessions Judge cum Special Judge, Excise, Samastipur in connection with Excise Case No. 44 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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