

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26063 of 2019

Arising Out of PS. Case No.-85 Year-2018 Thana- BEERPUR District- Begusarai

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BICKKA THAKUR Son of Bangali Thakur, Resident of Village-Laxmipur,
P.S.-Birpur, District-Begusarai..... Petitioner/s

Versus

The State of Bihar..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Nityanand

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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

A.P.P. for the State.

The petitioner apprehends his arrest in connection with Birpur P.S. Case No. 85 of 2018, registered for the offences punishable under Sections 30,32 of Bihar Prohibition and Excise Act, 2016.

Huge quantity of foreign liquor is said to have been recovered from the straw house of Babu Lal Tanti and bamboo clump of Chamru Sharma and Basant Sah, said to have been kept there by the petitioner and other named accused persons. The aforesaid accused persons including the petitioner managed to escape from the aforesaid place.

It is submitted by the learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or



any trade of liquor. The identity and genuineness of the source of information has not been mentioned in the written report of the informant. There is violation of Section 100 Cr.P.C.. No offence under Excise Act is made out against the petitioner. Similarly situated co-accused Batua Poddar @ Batua @ Shankar Kumar has been enlarged on bail by co-ordinate Bench of this Court passed in Criminal Miscellaneous No. 9732 of 2019 vide order dated 19.02.2019. He has no criminal antecedent.

Learned Spl. P.P. for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J II-cum-Special Judge Excise Act, Begusarai in connection with Birpur P.S. Case No. 85 of 2018, subject to condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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