

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24763 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- BRAHMPUR District- Buxar

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Sani Singh @ Prashant Singh @ Shani Singh Son of Bhutan Singh Resident
of Village- Hardev Singh Ka Dera Shivpur Diyar, Numbar, Police Station-
Byashi, District- Ballia (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Roy
For the Opposite Party/s : Mr. Nityanand

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

ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Brahampur P.S. Case no. 48 of 2019 registered under
Sections 414/34 of the Indian Penal Code, Sections 25(1-B)a,
26/35 of the Arms Act and Section 30(a) of Bihar Excise
Prohibition Act-2016.

Five accused persons are said to have been
apprehended in the course of escaping from the Bolero vehicle
and on search arms and ammunition were recovered from their
possession and on search of the vehicle, 264 lts. of foreign
liquor was recovered. As per the disclosure made by the
apprehended accused persons, petitioner happens to be supplier
of the aforesaid liquor.

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 either with the seized articles or with the vehicle in question or with any trade of liquor. He was not apprehended on the spot. There is nothing on record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the apprehended accused persons due to animosity. He 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 four 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 Additional District & Sessions Judge-II-cum-Special Judge (Excise), Buxar in connection with Brahampur P.S. Case no. 48 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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