

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56807 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

UPENDRA SINGH Son of Yogendra Singh Resident of Balthi, P.S.-
Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anisur Rahman

For the Opposite Party/s : Mr.Humayou Ahmad Khan

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

ORAL ORDER

3 13-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sahebganj P.S. Case No.105 of 2019 registered under Sections 272 and 273 of the Indian Penal Code besides Sections 30(a), 36 and 38(ii) of the Bihar Prohibition of Excise Act.

The accusation is that the informant received secret information to the effect that the petitioner, resident of Balthi village, has kept the illicit liquor for selling the same. Thereafter, the informant along with other police personnel reached at village-Balthi and searched the house of the petitioner but nothing was recovered from there. However, 42 bottles, each containing 180 ml., and 44 bottles, each containing



375 ml., Indian Made Foreign Liquor were recovered from the field, situated behind the house of the petitioner.

Learned counsel for the petitioner submits that, in fact, the alleged recovery was not made from the house of the petitioner rather the same was made from the field, situated behind the house of the petitioner. The petitioner is accused in one more case of similar nature, as detailed in paragraph-3 to this application but in that case, he is on bail and in that case, he has been made accused on mere suspicion.

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 Special Judge Excise, Muzaffarpur, in connection with Sahebganj P.S. Case No.105 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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