

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57017 of 2019

Arising Out of PS. Case No.-108 Year-2019 Thana- PIYAR District- Muzaffarpur

Chandrakant Mishra, Aged about 79 years, Male, Son of Late Ramdeo Mishra, Resident of Sakri Man, P.S. Piyar (Hatya O.P.), District Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2019 Heard both sides.

The petitioner apprehends his arrest in Piyar P.S. Case No.108 of 2019, registered under Sections 272 and 273 of the Indian Penal Code as well as under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act.

The informant intercepted a Pulsar motorcycle bearing Registration No.BR33AE-8105 and apprehended two persons, namely, Govind Paswan and Suresh Poddar. Suresh Poddar is said to be driving the motorcycle. From possession of Govind Paswan, one bottle containing 180 ml. liquor was recovered but nothing was recovered from the possession of Suresh Poddar. Govind Paswan is said to have disclosed that he purchased the liquor from Chandrakant Mishra on payment of Rs.200/-.

Learned counsel for the petitioner submits that save and



except this fact that Govind Paswan is alleged to have purchased one bottle containing 180 ml. from the shop of the petitioner, there is no material against the petitioner. Either the shop or the house of the petitioner was not searched and nothing has been recovered from possession of the petitioner.

Taking into consideration that save and except the disclosure made by Govind Paswan from whose possession 180 Indian made foreign liquor was recovered who disclosed that he purchased the liquor from the petitioner, there is no material to show that the petitioner is indulged in any trade of illicit liquor nor the shop or the house of the petitioner was searched, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Special Judge, Excise, Muzaffarpur in connection with Piyar P.S. Case No.108 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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