

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5634 of 2020

Arising Out of PS. Case No.-1049 Year-2019 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Hari Om @ Hari Om Kumar Son of Rajeshwar Mahto Resident of Mohalla-
Purani Gudari, P.S.-Nagar, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar
For the Opposite Party : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Nagar P.S. Case No. 1049 of 2019 registered under Section 420
of the Indian Penal Code, Section 11 of the Bihar and Bengal
Gambling Act and 37(c) of the Bihar Prohibition and Excise
Act.

It is submitted by the learned counsel for the
petitioner that from the materials collected during investigation,
ingredients of the offence punishable under Section 420 of the
Indian Penal Code are not attracted. It is further contended that
the offence under Section 37(c) of the Bihar Prohibition and
Excise Act is also not made out against the petitioner.



Learned counsel for the State has opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that Section 437 of the Code of Criminal Procedure is not applicable in case of offence punishable under Section 37(c) of the Excise Act.

Having heard the parties and perused the materials on record, it would be evident that as far as the offence under the Excise Act is concerned, the allegation in this regard is specific as against one Ravi Kumar Gupta and not against the petitioner. In that view of the matter, in the event of arrest or surrender before the court below, the petitioner, who is reported to be a man of clean antecedent, is directed to be released on bail 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 Special Judge Excise, Muzaffarpur in connection with Nagar P.S. Case No. 1049 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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