

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19792 of 2020

Arising Out of PS. Case No.-62 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

MUNNA PRAJAPATI Son of Late Ramayan Prajapati Resident of Village-
Durgawati Station Road, Sarangpur, P.S.- Durgawati, District- Kaimur
(Bhabhua).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Smt. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-06-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Durgawati P.S. Case No. 62 of 2020, arising out of Excise Case No. 193 of 2020, registered for the offence punishable under Sections 37(A) and 37(i) (ii) of the Bihar Excise and Prohibition (Amendment) Act, 2018.

Learned counsel appearing on behalf of the petitioner has, at the very outset, pointed out that out of inadvertence, in paragraph 9 of the application, it has been stated that the petitioner is in custody since 14.10.2017. He submits that, in fact, the petitioner is in custody since 02.03.2020, i.e. the date when the First Information Report was registered after apprehending the petitioner.

In my opinion, the mistake, in paragraph 9, is



apparently inadvertent in view of the case of the prosecution as disclosed in the First Information Report, which has been registered on 02.03.2020.

Allegedly, the petitioner was apprehended while in possession of 9 liters of country made liquor.

Considering the facts and circumstances, particularly the quantity of liquor said to have been recovered from petitioner's possession, this application is allowed.

Let the petitioner, above named, be released 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 Addl. Sessions Judge 3rd-cum-Spl. Judge, Excise, Kaimur at Bhabhua, in Durgawati P.S. Case No. 62 of 2020.

(Chakradhari Sharan Singh, J)

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