

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 87180 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- HATHIDAH District- Patna

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Kedar Nishad @ Kedar Mahto Son of Late Kamo Nishad Resident of Village-
Simaria Ghat, Bindtoli, P.S-Chakiya, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Manglam
For the Opposite Party/s : Mr. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-01-2020 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection with
Special Case No.10143 of 2019 arising out of Hathidah P.S.Case
No.95 of 2019 instituted for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2016 and Section 25(1-b)a, 26 and 35 of the Arms Act.

51 liters of country made liquor and two live
cartridges were allegedly recovered from the possession of the
petitioner. Petitioner has stated on oath that he has got no
criminal antecedent. Petitioner is in custody since 16.11.2019.

Considering the quantum of liquor, nature of
allegation and punishment prescribed under the law, in my view,
petitioner should be released on bail only after framing of the



charge. Hence, the trial court is directed to frame charge at the earliest.

After framing of the charges, let the petitioner be released on regular bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Excise Case No.10143 of 2019 arising out of Hathidah P.S.Case No.95 of 2019, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner and also that the petitioner shall not leave the country without permission of the Court.

(Birendra Kumar, J)

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