

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38942 of 2020

Arising Out of PS. Case No.-267 Year-2020 Thana- GRIYAK District- Nalanda

Avanish Kumar @ Budhan, S/o Late Randhir Singh, R/o - Kochgaon, P.s.-
Warsaliganj, Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Arun Kumar, APP

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

ORAL ORDER

2 12-07-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office,
within four weeks of starting of the Court proceeding in
physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Giriyak P.S. Case No. 267 of 2020, registered under
Section 30(a) of the Bihar Excise Act.

The accusation is that, on receiving secret
information about carrying of illicit liquor by two persons
loaded on white color Apachey motorcycle bearing registration
no. BR-27K 7862 from Kochgaon towards Bahadurpur, the



informant along with other police personnel reached near Mundkatta Baba, Main Road. In course of checking of the vehicle, one white color Apache motorcycle was seen, in which, two persons were found sitting. On giving signal to stop the motorcycle, both persons started to flee away, but on chase, one person was apprehended. On search of the said motorcycle, two cartoons containing 48 bottles of 375 ml, one sack containing 12 bottles of 375 ml and one sack containing 10 bottles of 750 ml of Indian made foreign liquor were recovered. On query, the caught hold person disclosed his name Rajnikant Kumar and also disclosed the name of his associate, Avinash Kuamr @ Budhan (petitioner).

Learned counsel for the petitioner submits that petitioner was not apprehended at the spot nor he is the owner of the seized motorcycle rather the name of the petitioner has come in the confessional statement of co-accused, Rajnikant Kumar. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned 3rd Additional Sessions Judge-cum-Special Judge (Excise), Nalanda at Biharsharif, in connection with Giriyak P.S. Case No. 267 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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