

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29733 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -MUNGER MUFFASIL District- MUNGER

Kishore Yadav

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate
and Mr. Tarun Kumar Sinha, Advocate.

For the Opposite Party : Mr. Yogendra Kumar Singh (App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-09-2016 Heard learned senior counsel for the petitioner and
learned counsel for the State.

The petitioner is languishing in custody since 21.05.2016
in connection with Muffasil P.S. Case No. 92 of 2016 for the
offences instituted under Section 47(a) of the Excise Act.

The prosecution story, in brief, is that the petitioner and
his wife are licensee of liquor business for the financial year 2015-
16 and after notification of prohibition of liquor in the State of
Bihar, both the accused persons concealed the liquor remained in
hand and shifted them to other houses for sale instead of returning
the same to the authority as per new notification.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 21.05.2016 and the charge sheet has

been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. The recovery of foreign wine is denied by learned counsel for the petitioner. There is no compliance of Section 100 Cr. P.C. The other co-accused has been granted anticipatory bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 24976 of 2016.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, 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 S.D.J.M., Munger, in connection with Muffasil P.S. Case No. 92 of 2016.

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(Sudhir Singh, J)