

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17484 of 2016

Arising Out of PS.Case No. -30 Year- 2016 Thana -BARHARIA District- SIWAN

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Pappu Giri S/o- Krishna Giri, R/o Village- Koiri Gawana, P.S.- Barharia,
Dist.- Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 29-06-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Barhariya P.S. Case No. 30 of 2016 registered for the offences

punishable under Sections 272, 279, 308 of the Indian Penal Code

and Section 47(A) of the Excise Act.

The prosecution case is that the informant on receiving

secret information that petitioner is selling illegal wine from the

hut situated in the village, went to the place of occurrence. On

seeing the police, persons gathered there fled away. Thereafter,

from the hut, police recovered three cartons containing 140 bottles

of country made liquor each of 400 M.L. Local people disclosed

that the recovered wine is of Pappu Giri, petitioner.



It has been submitted by the counsel for the petitioner that petitioner is innocent and has not committed any offence. He further submits that petitioner has no criminal antecedent, as is evident from paragraph-3 of this application. Furthermore, learned counsel for the petitioner submits that nothing has been recovered from conscious possession of the petitioner and the alleged country made liquor has been seized from the hut which is a temporary structure and the said hut does not belong to the petitioner neither it is the house of the family of the petitioner. He further submits that investigation is still going on and the petitioner undertakes not to tamper with the evidence and he is a man of means and will not abscond. Learned counsel for the petitioner further submits that since some of the co-villagers are inimical to the petitioner, as such, he has been named and is being unnecessarily dragged in the aforesaid case.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two

sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-6th, Siwan in connection with Barhariya P.S. Case No. 30 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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