

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18034 of 2016

Arising Out of PS.Case No. -274 Year- 2015 Thana -NOKHA District- SASARAM (ROHTAS)

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Pintu Paswan @ Pintu Son of Late Shivjee Paswan Resident of Village-
Nokha Ward No.1, Police Station- Nokha, District- Rohtas.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Nokha P.S. Case No. 274 of 2015 registered for offences
punishable under Sections 272 and 273 of the Indian Penal Code
and Section 47(A) of the Excise Act.

The prosecution case, in brief, is that on secret
information that petitioner is selling country made liquor in his
refreshment shop, while the informant along with other police
personnel reached the place of occurrence, petitioner seeing the
police party succeeded in fleeing away. Thereafter, informant
seized 28 bottles of country made liquor, each of 200 ML, from
the shop of the petitioner and prepared a seizure list.

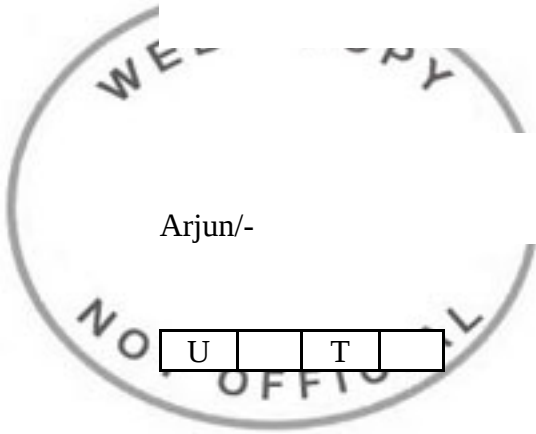


It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated due to village politics. He further submits that no incriminating article has been recovered from his conscious possession and Section 47(A) of the Excise Act is not applicable against him. He further submits that Sections 272 and 273 of the Indian Penal Code are bailable offence and he was not the owner of the shop in question from where those incriminating articles were seized. He further submits that petitioner has clean antecedent, as is evident from paragraph-3 of this application and even considering the small quantity of the liquor seized and he being first offender, deserves grant of anticipatory bail.

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.

Considering the aforesaid fact and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Nokha P.S. Case No. 274 of

2015, subject to the conditions as laid down under Section 438 (2)
of the Cr. P.C.



(Nilu Agrawal, J.)

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