

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28694 of 2016

Arising Out of PS.Case No. -239 Year- 2016 Thana -BIHTA District- PATNA

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Surendra Kumar Son of Sikeswar Rai Resident of Village- Pathlotia, P.S.-
Bihta, District- Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Smt. Veena Rani Prasad., APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 31-08-2016 Heard learned counsel for the petitioner and learned counsel
for the State.

The petitioner is languishing in custody since 6.4.2016 in connection with Bihta P.S. Case No. 239 of 2016 registered for offences under Sections 271 and 272/34 of the Indian Penal Code and 47,49 and 53(c) of Bihar Excise Act.

The prosecution story, in brief, is that the informant got information that in the village Pathlotiya some persons have manufactured and sold the illegal wine. On this information, the informant along with other police forces reached at the place of occurrence and recovered 20 litrs illegal Mahua wine and some raw materials from possession of the petitioner. Accordingly, in presence of independent witnesses seizure list was prepared and

the copy of the seizure list has also been given to the petitioner.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 6.4.2016. Charge-sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. Petitioner denies regarding the recovery of any Mahua wine. There is no compliance of Section 100 Cr.P.C.

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 Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta P.S. Case No. 239 of 2016.

(Sudhir Singh, J)

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