

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31946 of 2016

Arising Out of PS.Case No. -203 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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Karan Kumar, Son of Shri Raj Kumar Gupta, Resident of Mohalla-
Mauleshwari Chowk, Police Station- Siwan Town, District- Siwan
..... Petitioner

Versus

The State of Bihar
..... Opposite Party

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Appearance :

For the Petitioner : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party : Mr. Suresh Prasad Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

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17-09-2016

Heard learned counsel for the petitioner and the

learned counsel representing the State.

The petitioner seeks bail in connection with Siwan Muffasil P.S. Case No. 203 of 2016 registered for the offence punishable under Section 47(A) of the Excise Act, 1916 (Bihar Excise Amendment Act, 2016).

Allegedly the petitioner was apprehended by the informant and other police personnel, whereas three persons succeed in fleeing away and after search, cash of Rs. 16,000/-, mobile, 24 bottles of English wine kept in bag besides one cartoon containing 48 bottles of English wine were recovered. Each bottle were containing 180 ml. English wine and the petitioner disclosed that he was bringing the recovered articles from U.P and further on his discloser from a Gumti, a cartoon and a bag containing 24 bottles and 28 bottles each were recovered.

Submission is of false implication and that nothing

has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovered articles. He is suffering in custody since 26.05.2016.

The learned APP seriously opposes the prayer of bail by submitting that huge quantity of English wine were recovered and further cash of Rs. 16,000/- has also been recovered and the petitioner has got criminal antecedent as he was involved in Siwan Muffasil P.S. Case No. 177 of 2016 under Section 47A of the Excise Act.

In the facts and circumstances stated above and considering the detention of the petitioner, the petitioner shall be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Siwan Muffasil P.S. Case No.203 of 2016, subject to the conditions that one of the bailors must be near relative of the petitioner and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

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