

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30407 of 2016

Arising Out of PS.Case No. -42 Year- 2016 Thana -ITADHI District- BUXAR

Ashok Sah, son of Sri Ram Prasad Sah, resident of village- Unwas, P.S.-
Itarhi, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Advocate

For the Opposite Party/s : Mr. Mukteshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner seeks bail in a case instituted for the offences under Sections 272, 273 of the I.P.C. and Sections 47, 57 and 63 of the Excise Act.

The prosecution story, in brief, is that on 13.4.2016 on secret information the informant along with raiding party raided the shop at Katra situated inside Madhya Bihar Gramin Bank and started to search the shop and in course of search 718 bottles of illegal country made liquor was recovered. It is further alleged that the aforesaid shop owner is co-accused Sanjay Yadav and he gave the shop on rent to one Ashok Sah i.e. the petitioner. The informant suspected that Sanjay Yadav in conspiracy with the petitioner have illegally stocked the alleged liquor.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 2.6.2016 and the 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. From perusal of the seizure list, it is evident that the recovery has been made from the possession of Sanjay Yadav. The petitioner has been made accused due to mistake of fact. There is no compliance of Section 100 of the Cr.P.C.

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

Considering the aforesaid facts and circumstances, it is directed that 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 learned Additional Chief Judicial Magistrate II, Buxar in connection with Itarhi P.S. case No.42 of 2016.

(Sudhir Singh, J)

Narendra/-

U		T	
---	--	---	--