

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41769 of 2016**

Arising Out of PS.Case No. -31 Year- 2016 Thana -GALGALIA District- KISANGANJ

=====

Kashi Kumar, S/o Ramchandra Gupta, resident of Village- Manihari, P.S.-  
Manihari, District- Muzaffarpur.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Diwakar Sinha, Advocate

For the Opposite Party : Mr. Sri Brajendra Nath Pandey (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      06-10-2016      Heard learned counsel for the petitioner and the  
learned counsel representing the State.

The petitioner seeks bail in connection with Galgalia  
P.S Case No. 31 of 2016 registered for the offences punishable  
under Sections 272, 273/34 of the Indian Penal Code and Section  
47(a) of Excise Act.

Allegedly, the petitioner and other co-accused were  
found sleeping after keeping head on the bag in the bus and after  
search from the bag 23 bottles Bhutan whisky in sealed condition  
liquor each containing 750 m.l. was recovered.

Submission is of false implication and that the copy  
of seizure list was not given to the petitioner rather it was given to  
co-accuse Pappu Mahto, which goes to show that alleged recovery

was not from conscious possession of the petitioner rather from co-accused, the petitioner is in custody since 22.06.2016.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the Sri Firoj Akram, Judicial Magistrate 1<sup>st</sup> Class, Kishanganj, in connection with Galgalia P.S. Case No. 31 of 2016, subject to the conditions that one of the bailors must be a near relative 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.)**

Rajiv/-

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