

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53077 of 2016

Arising Out of PS.Case No. -309 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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Dhiraj Kumar, Son of Ram Vinay Sah, Resident of Village- Basabaria,
Police Station- Sitamarhi, Dist.- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner seeks bail in connection with C2/309 of

2016 registered for the offence punishable under Section 30(A) of

the Bihar Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the personnel of

the Excise Department, is that from Kamla Garden tola near

bamboo bushes, 9.900 litres of Nepali Saufi wine was recovered

and the local people revealed that the said wine belonged to the

petitioner and one another.

It has been submitted by the learned counsel for the

petitioner that he is innocent, has no criminal history and nothing

incriminating has been recovered from his conscious possession as



the seized articles were found in the bamboo bushes. It has further been submitted that the petitioner is in custody since 10.10.2016 and he has been implicated only on the basis of suspicion.

However, learned A.P.P. for the State submits that the petitioner is named accused, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances and that nothing has been recovered from the conscious possession of the petitioner and he has been implicated only on the basis of suspicion, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with C2/309 of 2016.

(Nilu Agrawal, J.)

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