

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51346 of 2016

Arising Out of PS.Case No. -387 Year- 2016 Thana -BARACHATTI District- GAYA

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Rohit Kumar @ Rohit Kumar Sinha @ Ranjan S/o Binod Prasad Resident
of village - Koieribari, P.S. Civil Lines, District - Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, A.P.P.

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 01-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
27.09.2016 in connection with Barachatti P.S. Case No. 387 of
2016 registered for the offence punishable under Sections 272 and
273 of the Indian Penal Code and Sections 47(A), 48(2) and 53 of
the Bihar Excise (Amendment) Act.

The prosecution case is that police on secret
information stopped a tempo, but the passengers tried to flee
away, who were apprehended. Amongst the apprehended persons,
one Ram Paswan @ Tuntun was caught along with the petitioner,
who was driver and the police seized about 72 litres of foreign
liquor.



It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal history and that he was just the tempo driver and did not know about the articles kept by the passengers in the said tempo. It has further been submitted that the seizure-list does not bear the signature of either the petitioner or of other co-accused, which makes the prosecution case doubtful.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has no criminal history and nothing has been recovered from his conscious possession, 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Barachatti P.S. Case No. 387 of 2016.

(Nilu Agrawal, J.)

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