

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50846 of 2016

Arising Out of PS.Case No. -59 Year- 2016 Thana -SONBERSA District- SAHARSA

Nand Lal Mahton son of late Govind Mahton resident of village Bintoli,
Bharti, P.S. Sonbarsa, O.P. Kashnagar, District Saharsa.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Abul Kalam, Advocate
For the Opposite Party : Mr. Akbar Ali, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-11-2016 Heard the learned counsel for the petitioner and the
learned APP for the State.

Petitioner is languishing in custody since 22.07.2016 in
connection with Sonebarsa Raj (Kash Nagar O.P.) P.S.Case No.59
of 2016 for offence alleged under Section 47 of the Excise Act.

The prosecution case is that on secret information, the
police found country made *Mahua* wine kept in a bhang field by
the side of the road containing 15 litres of *Mahua* wine in two
plastic bags and, accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is not named in the FIR and during course of
investigation, his name surfaced. He further submits that nothing
incriminating article has been found from the conscious

possession of the petitioner and it is only on the basis of suspicion that the petitioner has been falsely implicated.

However, learned APP for the State opposes the prayer for bail.

Be that as it may, since nothing incriminating article has been found from the conscious possession of the petitioner and also considering the period of custody, let the above named petitioner 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 Judicial Magistrate, Ist Class, Saharsa in connection with Sonebarsa Raj (Kash Nagar O.P.) P.S.Case No.59 of 2016.

(Nilu Agrawal, J)

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