

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51946 of 2016

Arising Out of PS.Case No. -226 Year- 2016 Thana -TAJPUR District- SAMASTIPUR

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1. Suresh Sah @ Suresh Kumar Sah Son of Yogendra Sah, Resident of village - Waini, Ward No. 3, P.S. Waini, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar, Advocate

For the Opposite Party/s : Mr. Ansarul Haque, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-12-2016 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 Tajpur (Waini) P. S. Case No. 226 of 2016 registered for the offence punishable under Sections 47A of the Bihar Excise (Amendment) Act, 2016.

The prosecution case as lodged by the police personnel is that during course of checking, they found 120 liters and 960 Ml. of English wine near the shop of the petitioner in vegetable mandi, accordingly a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and seizure was made in the open market place and the petitioner has no criminal history. It is only on the basis of suspicion that the petitioner has been falsely implicated.



He submits that charge sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

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 charge sheet has already been submitted, 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, Samastipur in connection with Tajpur (Waini) P.S. Case No. 226 of 2016, subject to the condition that the petitioner will file an undertaking duly supported by his personal affidavit before the Trial Court and he will appear physically before the Court below on each and every date till the disposal of the case and in case of failure to appear on two consecutive dates without giving any reasonable explanation, this liberty granted will be deemed to be cancelled.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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