

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55237 of 2016

Arising Out of PS.Case No. -125 Year- 2016 Thana -KHAIRA District- SARAN

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Dharmendra Prasad Srivastawa, Son of Bijendra Prasad Srivastawa @
Biredra Pd. Srivastawa, Resident of Village- Patedha Haweli, P.S. Khaira.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.09.2016 in connection with Khaira P.S. Case No. 125/16
registered for the offences punishable under Sections 188, 272,
273/34 of the Indian Penal Code and Section 47 of the Excise
Act.

The prosecution case is that the house of the
petitioner's father Birendra Prasad Srivastava was raided by the
police and five litres of country-made Mahua wine, 14 kgs. of
fermented Mahua and certain utensils used for manufacturing of
Mahua wine was recovered.

It has been submitted by the learned counsel for the



petitioner that he is innocent, nothing has been recovered from his conscious possession and that another co-accused, from whose house the incriminating articles were seized, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 49333 of 2016 on 13.12.2016. It is submitted that besides the present case, there is only one case under the Excise Act pending against him in which he is on bail and other two cases are under different sections of the Indian Penal Code.

However, learned A.P.P. for the State opposes the prayer for bail.

Be that as it may, since another co-accused, has since been granted the privilege of bail, 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 Addl. Chief Judicial Magistrate-10, Saran, Chapra in connection with Khaira P.S. Case No. 125/16, subject to the condition that if in future petitioner indulges in an offence of similar nature, his bail bonds will be deemed to be cancelled.

(Nilu Agrawal, J.)

Rajesh/-

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