

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51378 of 2016

Arising Out of PS.Case No. -29 Year- 2016 Thana -BUDHUCHAK District- BHAGALPUR

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Munna Sah, son of Late Shyam Sah @ Shyam Lal Sah, resident of
Gaughatta, P.S. Budhuchak, District Bhagalpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Sri Parmanand Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in custody since
11.08.2016 in connection with Budhuchak P.S. Case No. 29/16,
G.R. No. 2710/16 for offences punishable under Sections 269, 272
of the Indian Penal Code and under Section 47 of the Excise (New
Amendment) Act, 2016.

The prosecution case is that the police while
checking the vehicles found five litres of country-made *mahua*
wine in one bag and four litres of country-made *mahua* wine in
another bag loaded in an old bicycle. Petitioner was apprehended
along with one another.

It has been submitted by the learned counsel for
the petitioner that he is innocent, has no criminal history and



seizure-list has neither been signed by him nor a copy of the same has been handed over to him making the prosecution case doubtful. He submits that although the seizure was made on the road, but the seizure-list bears the police case number, which also makes the prosecution case doubtful. He further submits that nothing has been recovered from the possession of the petitioner and it is only on the basis of suspicion that the petitioner has been implicated. It is further submitted that the charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP 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, considering the submissions of the parties, let petitioner, above named, be enlarged 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 Addl. Chief Judicial Magistrate-13, Bhagalpur, in connection with Buddhu Chak P.S. Case No. 29/16, G.R. No. 2710/16.

(Nilu Agrawal, J.)

Rajesh/-

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