

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41780 of 2016**

Arising Out of PS.Case No. -377 Year- 2016 Thana -FORBESGANJ District- ARRARIA

=====

Tapas Kumar Das S/o late Shishu Ranjan Das, Resident of Ward No. 10  
Sadar Road, P.S. Forbisganj, District Araria.

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

=====

**Appearance :**

For the Petitioner : Mr. Ranjeet Choubey, Advocate

For the Opposite Party : Mr. Smt Sangeeta Sharma (APP)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      06-10-2016      Heard learned counsel for the petitioner and the learned  
counsel representing the State.

The petitioner seeks bail in connection with Forbesganj  
P.S Case No. 377 of 2016 registered for the offences punishable under  
Sections 272/273 of the Indian Penal Code and Section 47 of the Bihar  
Excise Amendment Act, 2016.

Allegedly, during raid at the garage of Taapas Kumar  
Mitra @ Chhotu Mistri, one Bolero and one Tata Indica car was found  
parked having one person at driving seat, who were interrogated and  
further on search 20 bottles of Royal Stag wine was found in Bolero  
and 18 bottles of Royal Stag wine was found in Tata Indica Car, the  
petitioner happens to be occupant of the bolero while the Shiv Gopal  
was of Tata Indica. Further it has been disclosed that Sujan Saha had  
made confession wherein he had admitted that he brought the aforesaid

bottles of wine from West Bengal, and sold it to the petitioner along with others, who happens to be engaged in unauthorized business of wine.

Submissions is of false implication and that the petitioner has got no criminal antecedent, he is in custody since 31.07.2016 similarly situated co-accused Shiv Gopal Jaiswal has been allowed bail by another co-ordinate Bench of this Court vide Cri. Misc. No. 40039 of 2016 and, as such, the petitioner deserves sympathetic consideration, to which learned A.P.P. does not oppose.

In the facts and circumstances stated above, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S Case No. 377 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|