

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28733 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -KOTHI District- GAYA

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Prem Kumar Manjhi son of Ram Briksh Bhuiyan @ Ram Manjhi, Resident
of village- Koshila, P.S. Dumariya, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 20.04.2016 in connection with Kothi P.S. Case No. 15 of 2016 registered for offences under Sections 272 and 273 of the Indian Penal Code and 47(A) of Bihar Excise (Amendment) Act.

The prosecution case, in brief, is that the petitioner was apprehended by the police on chase when he was fleeing away on his motor cycle carrying a jute bag containing plastic gallon having 32 litres of Mahua wine therein. The motor cycle no. JH 13A-3151 along with wine was seized and seizure list was prepared. The petitioner did not show any paper regarding carrying such wine rather disclosed that he was carrying the same from Jharkhand State to supply in different grocery shops in his village.

On behalf of the petitioner, it is submitted that the petitioner is in custody since 20.04.2016. He has got no criminal antecedent. Charge-sheet has been submitted in the present case. There is no allegation of tempering of witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned Additional Chief Judicial Magistrate, Sherghatti (Gaya) in connection with Kothi P.S Case No. 15 of 2016.

(Sudhir Singh, J)

Prakash/-

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