

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52387 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -GHOSBARI District- PATNA

=====

1. Yogendra Ram Son of Kailash Ram Resident of Village-Dhanakdov,
Police Station-Ghoswari, District-patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s :Mr. Amitesh Kumar, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.09.2016 in connection with Ghoshwari P.S.Case No. 40 of
2016 registered for the offence punishable under Sections 272,
273 of the Indian Penal Code and under Section 47/ 49/51 of the
Bihar Excise (Amendment) Act, 2016.

The prosecution case as lodged by the police
personnel is that during course of raid in the field of the petitioner,
150 liters of Mahua wine was seized, which was kept in a drum
under the earth, accordingly, seizure list was prepared.

Learned counsel for the petitioner submits that he is
innocent and the alleged Mahua wine does not belong to him and
it was recovered from the open field. It is further submitted that



the seizure list is not prepared as per the provisions of Section 100 of the Cr. P.C., as it bears the P.S. Case number although alleged Mahua wine was recovered from the open field. It has been submitted that charge sheet has 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, considering the facts and circumstances and submission of the parties and 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 Judicial Magistrate, Barh (Patna), in connection with Ghoshweri P.S. Case No. 40/2016 with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/Court.

,

Sudha/-

(Nilu Agrawal, J)

U		T	
---	--	---	--

