

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37328 of 2016

Arising Out of PS.Case No. -123 Year- 2016 Thana -MUFFASIL District- AURANGABAD

1. Gora @ Ranjan Kumar S/o Late Bilash Singh @ Late Chandra Bilash Singh R/o vill manjurahi, P.S. Aurangabad (M), Disrict Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Matloob Rab, A.P.P.-34

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Aurangabad (M) P.S.Case No. 123/2016 registered for the offence punishable under Sections 47/54 of Bihar Excise (amendment) Act, 2016.

The prosecution case, in brief, as mentioned by the informant himself is that on 18.07.2016 he alongwith other police personals had proceeded from the police station on night patrolling duty. While the informant alongwith the police party was standing near Titai Bigha in Amba Road they received confidential information that two persons Gora and Rajiv Kumar Singh @ Raju both residents of village- Manjurahi used to keep English liquor

and country made liquor in the dicky of their motorcycle bearing Registration No. JH10AD/5330 and used to sell the same near MahaGauri Line Hotel, situated west to the Jasoiya More in between 7 P.M. to 11 P.M. During raid co-accused Raju @ Rajiv Kumar was apprehended by the police, who named the petitioner.

It has been submitted by the learned counsel that he is innocent and has not committed any offence. He submits that nothing incriminating has been found from his possession and only on the basis of confessional statement of apprehended accused Rajiv Kumar Singh @ Raju, his name surfaced. He submits that small quantity of liquor has been seized by the police. It is also submitted that the petitioner has been falsely implicated merely on the basis of suspicion.

However, learned counsel for the State submits that the petitioner has been named by the apprehended co-accused, hence, opposes the prayer for bail.

Be that as it may, since the petitioner has not been caught with any incriminating article nor the alleged liquor has been recovered from his possession, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (M) P.S.Case No. 123/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that the petitioner will co-operate with the investigation and would appear before the police/Court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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