

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37558 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

1. Ganesh Ray Son of Shyam Kishore Ray Resident of Village- Jamla Mandal, P.S. Majorganj, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Smt. Veena Kumari Jaiswal, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-09-2016 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Majorganj P. S. Case No. 161/ 2016 registered for offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 47 (A) of Bihar Excise Act.

The prosecution case as lodged on the basis of self statement recorded on 26.06.2016 by the informant, Jitendra Kumar, who is Sub Inspector of Police is that in the morning at 9.00 A.M. he received secret information that at Barharwa Market some persons are selling liquor. On such information he along with armed forces proceeded to Barharwa Market after making entry sanha. It is further alleged that when he reached in



Barharwa Market he saw that on a pulsar Motorcycle, two persons were sitting in between them there was a plastic bag and after seeing the police jeep both persons started to flee away and the person, who was sitting in back side threw the bag in bush. The person, who was sitting in front, was identified as Ganesh Ray (petitioner). The informant further alleged that in presence of two independent witnesses, namely, Anand Kumar and Ram Prasad Rai, the search of the bag, which was thrown in the bush, was made and from the said bag 35 pc. of 300 ml. of Nepali Saufi (country made liquor) was recovered. From the local persons, the informant received information that the said motorcycle bearing Reg. No. PB-55J-5846 belongs to Ganesh Ray and accordingly, the seizure list of motorcycle and recovered liquor was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from possession of the petitioner and even the allegation of holding a bag containing 35 pc. of 300 ml. each of Nepali Saufi is not attributable to the petitioner. He further submits that petitioner has no criminal history, as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for

bail.

Be that as it may, since the petitioner has no criminal history and nothing has been recovered from the conscious possession of the petitioner, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Majorganj P.S.Case No. 161 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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