

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9417 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -SHYAMPUR BHATHA District- SHEOHAR

Dinesh Kumar, son of Rajdeo Rai, resident of Village- Fulkahan, P.S. Shyampur Bhatha, district- Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate
For the Opposite Party : Mr. Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-02-2016 Heard learned counsel for the petitioner and the learned
APP for the State.

Petitioner is in judicial custody since 28.12.2015 for offences alleged under Sections 47/A Excise Act in connection with Shyampur Bhatha P.S.Case No.70 of 2015.

The prosecution case in nut shell is that the police Sub-Inspector Sanjay Kumar Singh made written complaint addressed to Officer In-Charge, Shyampur Bhatha P.S. alleging therein that while he was on patrolling duty alongwith other police personnel, on 28.12.2015 at about 2.40 at night, at village-Jahagirpur during the course of search, he saw that a vehicle is coming towards him and with help of other police personnel vehicle was stopped over which Dinesh Kumar (petitioner), Mithilesh Kumar, Umesh



Kumar were boarded. Informant made query regarding the articles of vehicle but they refused to say any thing, then in presence of local Chaukidar Lakhindra Rai and Ravindra Rai, vehicle bearing no.BR-06-GNB-3692 was searched and during the course of search 15 carton were recovered from the vehicle in which each carton contained 200 M.L. 70 pieces country made wine and when asked regarding the papers all three persons were unable to produce any paper regarding the country made liquor and seizure list was prepared.

It has been submitted by learned counsel for the petitioner that petitioner is innocent, having no criminal history and has falsely been made accused on the basis of mere suspicion. It has further stated that the petitioner has no connection with the Bolero pick-up van nor the consignment loaded inside the van. Alternatively it has been stated that since the petitioner has no criminal antecedent, being the first offender, he may be enlarged on bail.

However, the learned APP opposes the prayer for bail.

Be that as it may, let the above named petitioner 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 learned SDJM, Sheohar in connection with

Shyampur Bhatha P.S.Case No.70 of 2015.

However, if the petitioner indulges in a case of similar nature in future, the learned court below will be at liberty to cancel the bail bonds of the petitioner without being prejudiced by this order.

(Nilu Agrawal, J)

B.Kr./-

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