

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22777 of 2016

Arising Out of PS.Case No. -18 Year- 2016 Thana -AMBA District- AURANGABAD

Santosh Sharma son of Balmukund Sharma, resident of village- Dadar, P.S. Goh, District- Aurangabad (Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Pd.(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 26-05-2016 Heard the learned counsel for the petitioner as well as the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offence punishable under section 414/34 of the Indian Penal Code and Section 2(e)/3/8/15/18 of Bihar Excise (Mahua Flower) Rules, 2006.

Allegedly, from Magic vehicle which was being driven by the petitioner 30 bags each containing 45 kgms. of Mahua was recovered and for that no paper was produced.

Submission is of false implication and that the petitioner is poor driver, it is not mentioned that the seized articles were Mahua flower and, as such, as alleged no offence is made out, seizure list witnesses are not independent witnesses rather they

are stalk witnesses, the petitioner is suffering in custody since 17.3.2016 and, as such, he deserves sympathetic consideration.

The learned A.P.P. submits that 1350 kgs. of Mahua was recovered from the vehicle of the petitioner.

In the facts and circumstances stated above, considering the detention of the petitioner, now he is directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Amba P.S. Case No.18 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

N.H./-

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