

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50053 of 2016

Arising Out of PS.Case No. -296 Year- 2016 Thana -MASRAKH District- SARAN

Satyendra Yadav, son of Hira Yadav, resident of village-Katalpur, Police Station-Baikunthpur, District-Gopalganj.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Parijat Saurav, Advocate

For the Opposite Party : Mr. Ataur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2016

Heard the learned counsel for the petitioner and the learned APP for the State.

Petitioner is languishing in custody since 13.10.2016 in connection with Masrakh P.S.Case No.296 of 2016 registered for offence punishable under Section 47 of the Excise Act.

The prosecution case is that on 12.10.2016 at 22.00 hours, the informant being the ASI in Masrakh police station, was on patrolling duty with the police team. At late night 2 A.M., the informant intercepted one Bolero car of silver colour having registration no.BR-28G-6089. The informant found two persons sitting in the car, one driver and one owner of the vehicle. The driver disclosed his name as one Satyendra Yadav. The owner of the car disclosed his name as one Mithilesh Kumar Singh. On search, the informant found under the middle seat, two cartons full

of bottles of foreign liquor, total 17.280 litres.

It has been submitted by learned counsel for the petitioner that he is innocent. He is the driver of the vehicle where the alleged bottle were found and the owner of the car was also seated, hence no offence is made out so far as the petitioner is concerned. He submits that Section 47 of the Amended Excise Act which has come into force with effect from 02.10.2016 is not applicable in the case of the petitioner. He submits that the petitioner has no criminal history.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

Be that as it may, since the petitioner has been implicated only on the basis of suspicion, 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 ACJM-VIII, Saran at Chapra in connection with Masrakh P.S.Case No.296 of 2016.

(Nilu Agrawal, J)

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