

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52335 of 2016

Arising Out of PS.Case No. -152 Year- 2016 Thana -AMNAUR District- SARAN

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1. Shailesh Prasad, Son of Bidya Prasad, resident of village - Harpur Chatwan, P.S. Baniapur, District - Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 26.09.2016 in connection with Amnour P.S. Case No. 152 of 2016 registered for the offence punishable under Sections 188, 420, 34 of the Indian Penal Code and Sections 47/ 47(a) and 48 (2) of the Bihar Excise Act.

The prosecution case is that on secret information the police party recovered 909 liters of English wine from a pick up van and accused managed to flee away.

It has been submitted by the learned counsel for the petitioner that the name of the petitioner surfaced on the statement of spy and after that he has been arrested. It has further been



submitted that the petitioner is not named in the F.I.R. has no criminal antecedent and he has been falsely implicated only on the basis of suspicion and his own confessional statement before the police. He further submits that other co-accused have since been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 49798 of 2016 dated 13.12.2016 and Cr. Misc. No. 49349 of 2016 dated 13.12.2016.

However, learned A.P.P. for the State submits that the petitioner is not named in the First Information Report, hence, opposes the prayer for bail.

Considering the submission of parties and facts and circumstances of the case, let the petitioner, above named, be enlarged 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 Judicial Magistrate, 1st Class, Saran, Chapra in connection with Amnour P.S. Case No. 152 of 2016.

(Nilu Agrawal, J)

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