

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50129 of 2016

Arising Out of PS.Case No. -51 Year- 2016 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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Amresh Prasad Yadav, son of Satyadeo Prasad Yadav, resident of village-
Dainiya Tola, P.S.-Palanwa, District-East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Arun Kumar Sinha, Advocate

For the Opposite Party : Smt. Sharda Kumari, APP

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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 07.08.2016
in connection with Palanwa P.S.Case No.51 of 2016 registered for
offence punishable under Sections 272 and 273 of the Indian
Penal Code and Section 47 of the Bihar Excise Act.

As per the prosecution case the police on night
patrolling noticed a person coming on a bicycle, but when the said
person saw the police party, he tried to flee away by turning his
bicycle whereupon the police party apprehended him on a chase
and recovered one cartoon tied on the bicycle. On opening the
cartoon 60 bottles, 300 ml. each, of Nepali saufi, which is a
country made liquor was recovered. A seizure list was prepared in
presence of two independent witnesses. The apprehended person,
the petitioner herein, disclosed that he works as a guard at Birganj

and he was carrying the said cartoon at the instruction of one Ruplal Patel who gave Rs.600/- to the petitioner for the purpose.

It has been submitted by learned counsel for the petitioner that he is an innocent and was coming from his uncle's house when apprehended by the police. He further submits that nothing has been recovered from the conscious possession of the petitioner and he has no criminal history. Only the small quantity of Nepali liquor is alleged to have been recovered.

However, learned APP for the State submits that the petitioner was apprehended by the police and named in the FIR, hence opposes the prayer for bail.

Be that as it may, since the petitioner has a clean criminal history and considering the period of custody, 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, Raxaul at Motihari, East Champaran in connection with Palanwa P.S.Case No.51 of 2016.

(Nilu Agrawal, J)

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