

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37856 of 2016

Arising Out of PS.Case No. -53 Year- 2016 Thana -SHEOHAR District- SHEOHAR

Subodh Ram, Son of Nandu Ram, Resident of Village- Sarvarpur, P.S.
Tariyani District Sheohar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr.

For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 20-10-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Sheohar
P.S Case No. 53 of 2016 registered for the offences punishable
under Sections 47, 47A of the Amended Bihar Excise Act, 2016

Allegedly, in the Pick-up Van and truck, huge
quantity of foreign liquor and 450 cartoons each containing 48
pieces bottles and each bottle containing 200 m.l. country made
liquor were recovered and the petitioner confessed that he was
using truck and Pick-up Van on rent of Rs. 30,000/- per month
since November, 2015.

Submission is of false implication and that the
petitioner being driver of truck has gone in search of mechanics as



there was some problem in the truck and in the meantime, it appears that some one has misused the circumstance and loaded the wine, both the vehicles have been seized in a false and frivolous case, formal F.I.R. was lodged on 03.04.2016 belatedly and it shows the vindictive attitude of the police. The raid was conducted on 02.04.2016 and on that date foreign liquor was not banned and the petitioner is suffering in custody since 24.05.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned A.P.P. opposes the prayer by submitting that huge quantity of illegal wine has been recovered from the aforesaid truck and Pick-up Van.

In the facts and circumstances stated above, considering the detention of the petitioner and further that there is no chance of tampering with the prosecution evidence and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sheohar, in connection with Sheohar P.S. Case No. 53 of 2016, subject to the conditions that one of the bailors must be a 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.)

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