

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33846 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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Hari Paswan Son of Manjhi Paswan Resident of Village- Dagraha, P.S-
Majorganj, District Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Opposite Party : Mr. Sri Damodar Prasad Tiwary (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 24-08-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner apprehends his arrest in connection with
Majorganj P.S. Case No. 47 of 2016 registered for offences
punishable under Sections 272, 273 of the Indian Penal Code and
Section 47A of Excise Act.

The prosecution case, in brief, is that on 10.03.2016,
at about 2.20 P.M., the informant received secret information that
huge quantity of illegal country made liquor was being
manufactured at village-Chainpur. Thereafter the informant, after
entering Sanha, proceeded from police station along with other
police personnel and raided the said place and apprehended five
persons namely Brahmadeo Ram, Vijay Ram, Buccha Manjhi,



Paltan Das and Putli Paswan but the petitioner managed to flee away. It is further alleged that the raiding team recovered 76 litres of illegal country made liquor and 400 litres of mixture of Gur and Water, besides 3 kilograms of Urea Fertilizer. The raiding team also recovered several equipments used in the process of manufacturing.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case by the apprehended accused Brahmadeo Ram, who stated that the manufacturing unit of country made liquor is being run for the last four years jointly by the petitioner and his brother. He submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner has no criminal antecedent, as is evident from para-3 of this application.

However, learned A.P.P. for the State submits that the petitioner is named by the co-accused, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned

Chief Judicial Magistrate, Sitamarhi, in connection with Majorganj P.S. Case No. 47 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is, however, made clear that the petitioner will co-operate with the investigation and appear before the police/court as and when required and failure to appear on two consecutive dates, without assigning any reason will entail cancellation of his bail bonds without being prejudiced with this order.

(Nilu Agrawal, J.)

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