

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.29250 of 2016

Arising Out of PS.Case No. -142 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

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Bino Bind, Son of Bhuvneshwar Bind, R/o Village- Khushumbha, tola
Beldaria, P.S. and Distt.- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Anjani Pd. Singh, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-07-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in jail custody since
16.05.2016 in connection with Sheikhpura P.S. Case No. 142 of
2016 registered for the offences punishable under Sections 272,
273 of the Indian Penal Code and Section 47(A) of the Excise Act.

The prosecution case, in brief, is that on 15.05.2016 at
about 18:45 hours while the informant along with other police
personnel proceeded for evening patrolling and reached village
Kushumbha Belderia tola, he received secret information that
petitioner is selling country made liquor in the field situated south
of the Sheikhpura railway line. On receiving information,
informant went to the place of occurrence where he saw that one
person was fleeing away. He chased the accused person and
apprehended him. Thereafter on search, informant recovered ten

bottles each of 200 M.L. containing country made liquor and prepared seizure list.

It has been submitted by the counsel for the petitioner that petitioner is innocent and has been falsely implicated in the aforesaid case. He submits that petitioner has no criminal antecedent, as is evident from paragraph 3 of this petition and the First Information Report has been instituted under the old Excise Act and not under the amended Act. It is further submitted that Sections 272 and 273 of the Indian Penal Code is bailable and no independent witness has signed the seizure list, which by itself raises suspicion.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, 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 Chief Judicial Magistrate, Sheikhpura in connection with Sheikhpura P.S. Case No.142 of 2016, G.R. No. 501 of 2016.

(Nilu Agrawal, J.)

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