

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32446 of 2016

Arising Out of PS.Case No. -74 Year- 2016 Thana -JOGBANI District- ARRARIA
=====

Md. Sumar Son of late Md. Jamil, Resident of Village - Jhokhran, Ward No. 8, P.S Jogbani, District Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP
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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-09-2016 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted for the offences under Sections 272, 273 of the I.P.C. and Section 47 of the Excise Act.

The prosecution story, in brief, is that on the alleged date and time of occurrence the informant received an information that Nepali illicit liquor is being transported from Nepal and on this information the informant and other police personnel conducted search and found two persons, who were coming from Nepal side towards Forbesganj on a motorcycle, having a bag and seeing the police party one of them fled away from there and another person was apprehended. On search, 59 bottles of Nepali illicit liquor 300 ML each and 35 bottles of Vergin Delux Blen

180 ML each were recovered from the bag and for which a seizure list was prepared.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 8.6.2016 and the charge sheet has been submitted in the present case. The petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. He denies the alleged recovery from his conscious possession. There is no compliance of Section 100 of the Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner above named 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 Chief Judicial Magistrate, Araria in connection with Jogbani (Bathnaha) P.S. case No.74 of 2016.

(Sudhir Singh, J)

Narendra/-

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