

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44330 of 2016

Arising Out of PS.Case No. -49 Year- 2016 Thana -HATHIDAH District- PATNA

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Shatrudhan Mahto @ Satto @ Sato S/o Anandi Mahto, Resident of
Mohalla- Bari Durga Asthan, Rosera, P.S. Rosera, District- Samastipur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vinay Kumar Mishra

For the Opposite Party : Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-10-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 47, 49 and 50 of the Bihar Excise Amended Act, 2016.

The allegation against the petitioner is that he along
with others were found sitting in the vehicle, in the state of
intoxication and on being searched the said vehicle, 34 bottles of
750 ml and 46 bottles of 375 ml of Indian made foreign liquor are
said to have been recovered from the vehicle and one black colour
mobile is also said to have been recovered from the possession of
the petitioner.

It has been submitted on behalf of the petitioner that the
petitioner is in custody since 24.07.2016. 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. The alleged recovery is denied by the petitioner. There is no compliance of section 100 of the Cr.P.C. The other co-accused has been granted bail vide Cr. Misc. No. 39943 of 2016.

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

Considering the aforesaid facts and circumstances, let 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 the learned Additional Chief Judicial Magistrate, Barh, Patna, in connection with Hatidah P.S. Case No. 49 of 2016.

(Sudhir Singh, J.)

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