

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41684 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -HATHAURI District- MUZAFFARPUR

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1. Vinay Kumar Nishad S/o Sri Ram Nandan Sahani R/o Village- Simri
Bashant, P.S.- Hathauri, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr. Sri Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 05-10-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 272, 273, 414 and 120 (B)/34 of the
I.P.C and section 47 (a)/53 of the Bihar Excise Act.

Allegedly, acting on a tip off raid was conducted at
the medicine shop of the petitioner and seeing the police party the
driver of the liquor van fled away with the van but on search from
the shop it was found that the petitioner and his son Raviranjan
Nishad were concealing the black bag and after search 22 bottles
of IM Perial Blue each containing 180 ml. and 32 bottles of Royal
stage premier whisky each containing 180 ml. total 9.720 liters of
foreign liquor was recovered.

Submission is of false implication and that due to the village politics the petitioner has been apprehended in this case, the petitioner is a poor labour class and used to do in a small scale of business of medicine, he has no concerned with the recovered wine nor he was present at the time of unloading the wine from the alleged vehicle, the petitioner has been made escape goat and he is suffering in custody since 06.08.2016.

The learned A.P.P. submits that the petitioner has remained in custody for about two months.

In the facts and circumstances as stated above, the petitioner is directed to 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 A.C.J.M-Cum- Sub. Judge, 10th, Muzaffarpur in Hathauri P.S. Case No. 78 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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