

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50161 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -JAMHORA District- AURANGABAD

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Chhotu Kumar S/o Nagina Prasad Singh R/o Vill- Rajpur, P.S. mali Distt
Aurangabad, Bihar.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate

For the Opposite Party : Mr. Chaubey Jawahar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-11-2016 Heard the learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody since
22.09.2016 in connection with Jamhore P.S.Case No.40 of 2016
for offences alleged under Sections 47(a) and 54 of the Bihar
Excise Amendment Act.

The prosecution case is that the informant received an
information that wine is being carried from Anugrah Narayan
Road to Aurangabad on tempo No.BR 26H-3520. The informant
intercepted and caught the said tempo. Three persons began to flee
but one of them was apprehended who disclosed his name as
Kamlesh Kumar and his associate as Chhotu Kumar. From the
temp, country made wine in 12 bags, total 2400 pieces each

containing 200 ml., imperial blue whisky 20 pieces containing 375 ml. and 31 pieces containing 750 ml. each and 40 pcs. Mc. Dowels were recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent and there is no criminal history and his name surfaced on the confessional statement of the apprehended accused Kamlesh Kumar. He further submits that he has no relation with Kamlesh Kumar or tempo driver as he had taken the tempo on hire along with co-passengers.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

Be that as it may, since nothing incriminating article has been found from the possession of the petitioner, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Aurangabad in connection with Jamhore P.S.Case No.40 of 2016.

It is further made clear that this direction for bail is further subject to the condition that the petitioner will not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or

tamper with the evidence and shall appear, in the learned Court below, as may be directed.

In terms of the above observations and directions, this bail application stands allowed.

(Nilu Agrawal, J)

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