

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44553 of 2016

Arising Out of PS.Case No. -530 Year- 2016 Thana -KATIHAR District- KATIHAR

=====

Babin Ghosh @ Babin @ Samir Kr. Ghosh, S/o Baidyanath Ghosh, R/o-
Balu Pokhar Colony No-2, P.S. Katihar Nagar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-10-2016 Heard learned counsel for the petitioner and the learned

A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Katihar (N) P.S. Case No.530 of 2016 registered under Section
373 of the Indian Penal Code besides Section 47(i) Bihar Excise
Amendment Act.

The accusation is that on receiving secret information
about carrying the foreign liquor, in huge quantity, on a tempo by
Pappu Chauhan and Pramod Thakur, the police started checking of
the vehicles. In that course, one tempo from the side of Bhagwan
Chowk, in which four persons were sitting, was seen coming and
when signal was given to stop the same, all the four persons sitting



in a tempo started to flee away but on chase, three persons including the driver of the tempo were apprehended, who disclosed their name as Pramod Kumar, Amit Kumar alias Navin Kumar alias Buchu and Prasnajit Nandani, while one person, namely, Pappu Chauhan, succeeded to flee away. During that course, Pramod Thakur and Babin Ghosh (petitioner), who were coming on a motorcycle from behind the tempo, fled away towards Lal Kothi. On checking of the tempo, 139 bottles, each containing one liter, kept in two gunny bags, of foreign liquor were recovered. The aforesaid apprehended persons disclosed that they alongwith Pappu Chauhan, Pramod Thakur and this petitioner after purchasing the aforesaid foreign liquor from Bengal were carrying the same to Katihar to sell.

Learned counsel appearing on behalf of the petitioner submits that it would appear from the F.I.R. that neither the petitioner was apprehended on the spot nor the police got secret information about carrying the aforesaid foreign liquor by this petitioner. The name of the petitioner has only been disclosed by the aforesaid three apprehended accused persons. Further submission is that the petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or

surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Katihar, in connection with Katihar (N) P.S. Case No.530 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--