

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29752 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -THAWE District- GOPALGANJ

=====

1. Biresh Ram @ Bires Ram Son of late Khedaru Ram resident of Village-
Dhatigana, Police Station- Thawe, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s Mr. S. Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 03.10.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner seeks bail in a case registered under sections 272,
273 of the Indian Penal Code and section 47 (a) of the Excise Act.

More than 300 liters spirit were recovered and petitioner
was caught on the spot whereas three persons managed to escape from
there.

Submission on behalf of the petitioner is that nothing was
recovered from the conscious possession of the petitioner and
moreover, it is evident from the case diary that after seizure, aforesaid
spirit had been kept in premises of the police station in open place and
thereafter same was sent for chemical examination and, therefore, the
aforesaid circumstance creates doubt because seized article had not
been kept in proper security prior to sending for chemical
examination.

Petitioner does not have any criminal antecedent and is languishing in jail custody since 18.4.2016. Moreover, informant himself admitted in his written report that the aforesaid spirit had been brought to the place of occurrence by FIR named accused Jitendra Singh.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gopalganj in Thawe P.S. Case no. 39/2016.

shahid

(Hemant Kumar Srivastava,J)

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