

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50149 of 2016

Arising Out of PS.Case No. -64 Year- 2016 Thana -KORMA District- SEKHPURA

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Rakesh Kumar, S/o Sanjay Kumar Singh @ Sanjay Kumar, aged about 32 years, R/o Murlachak, Varsaliganj, P.S. Varsaliganj, District Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 06.10.2016 in connection with Korma P.S. Case No. 64/16 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and under Sections 30, 38, 41 of the Bihar Excise (Amendment) Act, 2016.

The allegation, as made by the police, is that during course of checking of vehicles 142 litres of foreign liquor has been recovered from the Bolero vehicle and three persons including the petitioner were apprehended.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal history and there is



no compliance of Section 100 of the Cr.P.C. as the seizure-list, although on being apprehended, does not bear the signature of the petitioner or the signature of other co-accused and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. It is submitted that another apprehended co-accused has since been granted the privilege of bail by a Coordinate Bench of this court in Cr. Misc. No. 51504 of 2016 on 06.12.2016.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, witnesses have supported the prosecution case, hence, opposes the prayer for bail.

Be that as it may, since charge-sheet has already been submitted and other co-accused on similar allegation has since been granted the privilege of bail, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sheikhpura in connection with Korma P.S. Case No. 64/16.

(Nilu Agrawal, J.)

Rajesh/-

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