

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8132 of 2016

Arising Out of PS.Case No. -239 Year- 2015 Thana -CHANDAULI District- GAYA

1. Ashok Kumar S/o Chhote Lal Prasad Resident of village Dali Bigha, P.s Chandaoti District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

For the Opposite Party/s : Mr. Kr.Virendra Narayan(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Chandaoti (Chakand) P.S.Case No. 239 of 2015 registered for
offences punishable under Sections 272 of the Indian Penal Code
and 47 A of the Excise Act.

The prosecution case is on the basis of written report
by one Md. Chand Parwez, A.S.I. before the Officer in Charge of
Chandaoti (Chakamd) P.S. that on 21.09.2015 when he was on
patrolling duty, got confidential information that a person was on
golden motorcycle having illicit mahua wine. Thereafter, he saw
one person on golden motorcycle coming and after seeing the
police party, he escaped after leaving his motorcycle. It is further
stated that on search, 60 liters illicit Mahua wine on three bladders
were recovered from the said motorcycle and accordingly seizure

list was prepared.

It has been submitted by the learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated. Nothing has been recovered from the possession of the petitioner. It has further been submitted that the petitioner has no criminal antecedent as is evident from para-3 of this petition. Alternatively, it has been contended that the petitioner is first offender and the allegation has been made on suspicion.

However, learned A.P.P. for the state submits that although the petitioner is not named in the F.I.,R. but the motorcycle from which the illicit liquor has been recovered belongs to the petitioner.

Be that as it may, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Chandauti (Chakand) P.S.Case No. 239/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P. C.

(Nilu Agrawal, J)

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