

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50544 of 2016

Arising Out of PS.Case No. -78 Year- 2016 Thana -GOPALPUR District- GOPALGANJ

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Sumant Kumar Son of Awadh Kishore Singh Resident of Village-Hussaina
Raghav, P.S. Vaishali, District-Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate
Mr. Lakshmi Kant Tiwary, Advocate
For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.09.2016 in connection with Gopalpur P.S. Case No. 78 of
2016 registered for the offence punishable under Sections 272
and 273 of the Indian Penal Code and Sections 47(a) and
47(g) of the Bihar Excise Act.

The prosecution case is that the police party
during course of raid intercepted a motorcycle on which the
motorcycle rider tried to flee away, but he fell down and
leaving the motorcycle fled away. On search, police
recovered 100 pieces each of 200 ML country made liquor
from the motorcycle. Thereafter, police stopped one Wagon R

car from which two persons tried to flee away, but they were caught. Informant recovered Royal Stag 11 and 48 pieces each of 750 ML and 180 ML respectively and Imperial Blue 96 pieces each of 180 ML from the said Wagon R.

It has been submitted by the learned counsel for the petitioner that nothing has been found from the conscious possession of the petitioner and only on the basis of confessional statement of the petitioner and the co-accused, which has no evidentiary value in the eye of law, petitioner has falsely been implicated. He submits that the petitioner has no criminal antecedent and small quantity of liquor was recovered.

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

Having heard the parties and having perused the materials on record, it does not reveal that petitioner's liberty on bail would adversely affect the trial. 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 Additional Chief Judicial Magistrate-XI, Gopalganj in connection with

Gopalpur P.S. Case No. 78 of 2016.

(**Nilu Agrawal, J.**)

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