

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50854 of 2016

Arising Out of PS.Case No. -186 Year- 2016 Thana -BAHADURGANJ District- KISANGANJ

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Madhab @ Madhab Giri @ Madhav Kumar son of Khageswar Giri
Resident of Village - Bangama (Lohagara Hat) P.S. Bahadurganj, District -
Kishanganj.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-11-2016 Heard the learned counsel for the petitioner and the

learned APP for the State.

Petitioner is languishing in custody since 29.09.2016 in
connection with Bahadurganj P.S.Case No.186 of 2016 for offence
alleged under Section 47 of the Bihar Excise Act.

The allegation against the petitioner is that 14 litres 400
ml. Nepali wine have been recovered by the police and the
petitioner has been apprehended from the bamboo clump and upon
the statement of the villagers another co-accused has been
arrested.

It has been submitted by the learned counsel for the
petitioner that the petitioner is innocent and no incriminating
article has been recovered from the conscious possession of the

petitioner. He further submits that the recovery has been made from a public place. He further submits that the investigation is going on and undertakes not to tamper with the evidence.

However, learned APP for the State submits that the petitioner is named in the FIR, hence opposes the prayer for bail.

Be that as it may, since nothing has been recovered from the conscious possession of the petitioner and also considering the period of custody and that petitioner undertakes not to tamper with the evidence, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Kishanganj in connection with Bahadurganj P.S.Case No.186 of 2016.

(Nilu Agrawal, J)

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