

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53057 of 2016

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

1. Bablu @ Bablu Giri Son of Khgeshwar Giri, Resident of Village-
Bangama (Lohagara Hat), P.S. Bahadurganj, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amal Kumar Sinha, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-12-2016 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
15.11.2016 in connection with Bahadurganj P.S.Case No. 186 of
2016 registered for the offence punishable under Section 47 of the
Bihar Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that after search near the bamboo bushes, they found
14 litres, 400 ml. of Nepali saufi wine contained in two bags. On
enquiry, the villagers stated that the petitioner and one another co-
accused, namely Madhav had kept the said wine there.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has falsely been implicated in the
aforesaid case. He further submits that nothing has been recovered
from his conscious possession and recovery has been made from



the public place. He submits that investigation is going on and the petitioner undertakes not to tamper with the prosecution evidence. It is further submitted that another co-accused on similar allegation has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 50854 of 2016 on 25.11.2016.

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.

Be that as it may, considering the facts and circumstances and that the petitioner undertakes not to tamper with the evidence and another co-accused 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 Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 186 of 2016.

(Nilu Agrawal, J)

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