

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23607 of 2016

Arising Out of PS.Case No. -63 Year- 2016 Thana -NAUTAN District- WESTCHAMPARAN
(BETTIAH)

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MUKESH PATEL @ MUKESH PHATEL, son of Sukhadi Patel, resident
of village Banhaura Bazar, P.S. Jagdishpur, District West Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Murli Dhar (APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-08-2016 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner apprehends arrest in connection with

Nautan (Jagdishpur) P.S. Case No. 63/16 for offences alleged

under Sections 467, 468, 420, 471, 120-B, 272, 273, 414 of the

Indian Penal Code and under Section 47(a) of the Excise Act.

Allegation is that informant along with other

raiding party raided the village of the petitioner. Petitioner

managed to escape having seen the police party but his house was

searched and some wrappers, machine and stickers were found

and seizure-list was prepared. From the house of co-accused

Yogendra Patel two machines, plastic gallons, illicit liquor were

recovered.

It has been submitted by the learned counsel for

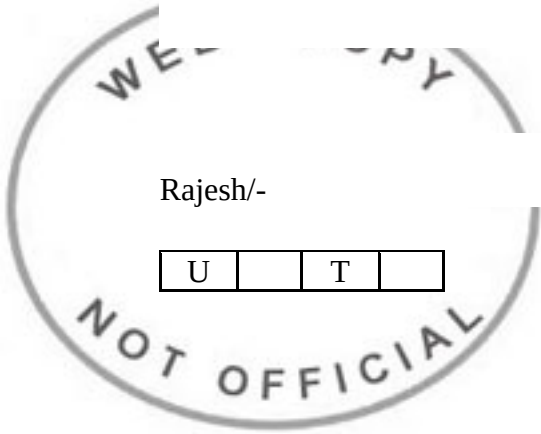


the petitioner that he is innocent and has not committed any offence. He submits that nothing incriminating has been recovered from the conscious possession of the petitioner rather the same has been recovered from the house of co-accused Yogendra Patel. He further submits that the petitioner has clean antecedent, as is evident from paragraph 3 of this petition and being the first offender a considerate view may be taken. It has further been submitted that a consolidated seizure-list has been prepared with the co-accused Yogendra Patel and the same does not specify separately what was received and even otherwise consolidated seizure-list could not have been made.

However, learned APP 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, since nothing incriminating has been recovered from the conscious possession of the petitioner, let petitioner, above named, 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri R.R. Sahay, learned Additional Chief Judicial Magistrate-VI, West Champaran at Bettiah, in connection with

Nautan (Jagdishpur) P.S. Case No. 63/16, subject to the conditions
as laid down under Section 438(2) Cr.P.C.



(Nilu Agrawal, J.)