

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3559 of 2017

Arising Out of PS.Case No. -177 Year- 2016 Thana -DARAUNDHA District- SIWAN

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Ujagir Sah Son of late Ram Karan Sah Resident of Village- Dheber, Police station - Daraunda, District- Siwan. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 28-02-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Daraunda P.S. Case No.177 of 2016 registered for the offences punishable under Sections 272, 273, 308 of the Indian Penal Code and Sections 41 (i), 37 (A), 47(A) of Bihar Excise Prohibition Act, 2016.

Allegedly, acting on a tip off that Nagendra Ram and the petitioner are indulged in selling liquor and they are unloading the liquor from Scorpio vehicle and then, the informant went there and saw that Nagendra Ram was unloading the wine from Scorpio vehicle and the petitioner was selling the same. On seeing the Police personnel they succeeded in fleeing away after leaving the Scorpio vehicle and liquor and after search total 164.88 liter liquor was seized.



Submission is of false implication and that the petitioner is an old man aged about 80 years, he has got criminal antecedent, he was not caught at the spot and without any fault he is suffering in custody since 04.12.2016, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XI, Siwan in connection with Daraunda P.S. Case No.177 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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