

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11994 of 2017

Arising Out of PS.Case No. -269 Year- 2016 Thana -SAMASTIPUR MUFFASIL District-SAMASTIPUR

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Sonu Kumar Son of Jaga Sahani resident of village - Shambhupati, P.S. Samastipur Muffasil, District - Samastipur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Mohan Kateryar

For the Opposite Party/s : Mr. Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 24-03-2017 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Samastipur Muffassil P.S. Case No. 269 of 2016 registered for the offences punishable under Sections 47, 54, 57 of the Bihar Excise (Amendment) Act.

Allegedly, acting on a tip off that the petitioner and other two accused have kept huge quantity of foreign liquor in Ikri field of Chhotu Singh, the Police party went there and after seeing the Police party the petitioner and other two accused fled away with the motorcycle of the petitioner and thereafter, search was made and from that field total 237 liters and 600 ml. foreign liquor were recovered besides Yamaha motorcycle.

Submission is of false implication and that the petitioner



was not apprehended at the spot, nothing has been recovered either from his conscious passion or from his house, only on information furnished by spy the petitioner has been implicated in this case, resulting, the petitioner is suffering in custody since 09.01.2017, the petitioner has been made victim of Police atrocities and as such he deserves sympathetic consideration.

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-V, Samastipur in connection with Samastipur Muffassil P.S. Case No. 269 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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