

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10683 of 2017

Arising Out of PS.Case No. -323 Year- 2016 Thana -GAYA RAIL P.S. District- GAYA

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Pappu Paswan Son of Munarika Paswan, Resident of Village - Murlihill
Bajrangi, P.S. - Kotwali, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
18.11.2016 in connection with Gaya Rail P.S. Case No. 323 of
2016 registered for the offence punishable under Section 30(a) of
the Bihar Excise (Amendment) Act, 2016, Sections 3,5 and 18 of
the Mahua Flower Act and Section 147 of the Railways Act.

The prosecution case is that on a secret tip-off, police
personnel found 17 bottles containing 750 ML each of rum from
the back-sack of the petitioner. However, certain quantity of
country made liquor was also found in bags, which were near the
petitioner. In another raid, four quintals of mahua flower were
seized.



It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal history and neither country made liquor nor mahua flower was recovered from his conscious possession. He further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Additional Chief Judicial Magistrate, Railway Gaya in connection with Gaya Rail P.S. Case No. 323 of 2016.

(Nilu Agrawal, J.)

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