

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10909 of 2017

Arising Out of PS.Case No. -289 Year- 2016 Thana -WARISNAGAR District- SAMASTIPUR

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Sunil Rai, s/o Jeewachh Rai @ Ram Briksh Rai, R/o Village- Sari Tola
Chakmurad, P.S.- Warisnagar (Mathurapur O.P.), District- Samastipur.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-04-2017

Heard learned counsel for the petitioner.

This is an application for bail in connection with Warisnagar (Mathurapur O.P.) P.S.Case No. 289 of 2016 registered for the offences punishable under Section 273 of the Indian Penal Code and 30(K)/37(K)/37(Gh)/38 and 41 of Bihar Prohibition and Excise Act, 2016.

Allegation as per FIR is that 197 bottles, each containing 180 ml. of foreign liquor has been recovered from the house of the petitioner.

It has been submitted on behalf of the petitioner that the house belongs to his father and he is nowhere related with the seized articles and, as a matter of fact, petitioner is student living at Patna and he is in custody since 5.1.2017 having no criminal antecedent.

Heard learned APP also.

Having heard both sides and in view of the fact that



petitioner was not arrested at the spot having no criminal antecedent and languishing in custody for more than three months, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Samastipur, in connection with Warisnagar (Mathurapur O.P.) P.S.Case No. 289 of 2016, G.R.No. 3293 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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