

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6386 of 2017

Arising Out of PS.Case No. -347 Year- 2016 Thana -GOPALGANJ TOWN District- GOPALGANJ

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1. Chhathu Chaudhary @ Chhathu Pasi @ Chhathu Chauhan Son of Late Shiv Narayan Chaudhary, Resident of Village-Khajurbani, Ward no.25, PS Gopalganj, District-Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2017 Heard learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

Counsel for the petitioner is permitted to make necessary correction at paragraphs-3 & 13 of the bail application in course of the day.

The petitioner is languishing in judicial custody since 19-08-2016 in connection with S. Tr. No. 967 of 2016 arising out of Gopalganj P.S. Case No. 347 of 2016 registered for the offences punishable under Sections-272 and 273 of the Indian Penal Code and 47(a) and 57 of the Bihar Excise (Amendment) Act, 2016.

The prosecution case as lodged by the police personnel is that some persons after drinking spurious alcohol



were hospitalized and one of the hospitalized persons named the petitioner along with 13 others who had indulged in making and selling illicit liquor and, in pursuance thereof, the police party raided the house of one Lal Babu Pasi and other co-accused and, from the petitioner's house, 30 litres of Mahua liquor and 8 pieces of 180 ml. of foreign liquor was recovered whereas, 15 litres of unprepared Mahua wine was recovered from the outside the boundary of house of the petitioner in an earthen pot.

It has been submitted by learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case out of being on inimical terms with the other accused persons. The charge sheet has already been submitted and hence, there is no chance of tampering with the prosecution evidence. He submits that nothing has been recovered from his conscious possession.

However, learned A.P.P. for the State submits that petitioner is named in the first information report and, hence opposes the prayer for bail.

Considering the facts and circumstances of the case and from perusal of the materials on record, the petitioner has been charge sheeted and hence in the interest of justice, let the petitioner named above, be released on bail on furnishing bail



bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 967 of 2016 arising out of Gopalganj P.S. Case No. 347 of 2016 to the satisfaction of Learned Additional Sessions Judge-VIII, Gopalganj subject to condition that the petitioner will present himself before the police/court as and when required.

(Nilu Agrawal, J)

A.K.V./-

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