

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23469 of 2017

Arising Out of PS.Case No. -352 Year- 2016 Thana -KUDHNI District- MUZAFFARPUR

=====

Harendra Rai, S/o Nunu Rai, R/o Village- Gawashra, PS- Kudhani (Turki O.P.), District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mrs. Nirmala Kumari, Advocate

For the Opposite Party : Mr. Abhay Kumar – 1, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 29.03.2017 in connection with Kudhani P.S. Case No. 352 of 2016 for the offences instituted under Sections 272, 273 of the IPC and 30(a) of Bihar Prohibition & Excise Act, 2016.

The prosecution story, in brief, is that the informant received a secret information that this petitioner is involved in illegal business of foreign liquor. Thereafter, he informed the same to his senior official and on his direction, he prepared a team for raid. During raid, he found 40 bottles of 375 ML. each of English wine-Imperial Blue in open land outside the house of the petitioner. The informant further claimed that he prepared the



seizure list in presence of two independent witnesses. Hence, the F.I.R. is registered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.03.2017. There is no allegation of tampering of the witnesses alleged against the petitioner. He has been made accused in the present case due to mistake of fact. He has got no criminal antecedent. It is alleged that 15 liters of foreign liquor is said to have been recovered outside the house of the petitioner. No compliance of Section 100 Cr. P.C. has been made in the present case.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Muzaffarpur, in connection with Kudhani P.S. Case No. 352/2016, G.R. No. 2591/2016.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

