

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23919 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -GOVINDPUR District- NAWADA

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Pappu Sharma, son of Dwarika Mistri, resident of Village- Ohari, Police
Station- Kadirganj (O.P.), Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Opposite Party/s : Mr. Rajeev Nayan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

27-07-2017

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in custody since 05.03.2017 in
connection with Govindpur P.S. Case No. 18/17 for offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that while patrolling they intercepted a tempo and
although the other persons including the driver managed to flee
away, but petitioner was apprehended. From the seat of the tempo
475 pouches of 200 ml each of country-made liquor was seized.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



falsely been implicated in the aforesaid case. He submits that nothing incriminating has been recovered from the conscious possession of the petitioner as he was a co-passenger and being a passenger of the tempo, he has been falsely implicated while other co-accused had run away. He further asserts that the seizure-list has not been prepared in accordance with Section 100(4) of the Cr.P.C. as none of the independent witnesses have signed the seizure-list and the petitioner's signature has also not been obtained and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Govindpur P.S. Case No. 18/2017.

(Nilu Agrawal, J)

Rajesh/-

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