

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28182 of 2017

Arising Out of PS.Case No. -33 Year- 2017 Thana -SHYAMPUR BHATHA District- SHEOHAR

- =====
1. Chandan Kumar. Son of Ramdarshan Singh,
 2. Ramdarshan Singh, Son of Late Ramhulas Singh, Both are Resident of Village- Bhaluahi, Police Station- Sheohar in the District of Sheohar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Raj Kumar, Advocate.

For the Opposite Party : Smt. Veena Rani Prasad,

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are languishing in custody since 15.05.2017 in connection with Shyampur Bhatahan P.S. Case No. 33 of 2017 for the offences instituted under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that one Devanand Kumar, the informant of this case, has recorded his self statement dated 22.04.2017 alleging therein that he was informed on phone by Dayashankar Sah, S.I. of Sheohar P.S. that he arrested a boy, namely, Chandan Kumar, who stated in his confession that one Rajnish Kumar of Niktahi village keeps and sells illegal wine. On



that information, the informant alongwith other police personnels reached at Kirana Shop of Rajnish Kumar, which was closed from inside. On knock, one boy opened the shutter who disclosed him as Rajnish Kumar. Thereafter, on search, he recovered two cartoons of wine in which 12 bottles kept in each carton total 24 bottles of 750 ML in each bottle Royal Stag Whiskey. Accordingly seizure list was prepared before two independent witnesses. He further stated that Chunnu Singh gave him wine which is sold by him.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 15.05.2017. He has falsely been implicated in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. The alleged liquor has not been recovered from conscious possession of the petitioner. 18 liters of foreign liquor is said to have been recovered from the shop of Rajnish Kumar. 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 A.D.J. I, Sheohar, in connection with Shyam Bhathan P.S. Case No. 33/2017 (G.R. No. 257 of 2017).

(Sudhir Singh, J)

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