

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25336 of 2017

Arising Out of PS.Case No. -77 Year- 2017 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Ramniwas Sah, Son of Suresh Sah, resident of Village- Bairiya, P.S.-
Adapur, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s Sri Umeshnand Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 06-06-2017 Heard Mr. Vijay Shankar Shrivastava, learned counsel

for the petitioner and learned Additional Public Prosecutor for the

State.

The petitioner is seeking regular bail in connection
with Adapur P.S. Case No. 77 of 2017 registered for the offences
under sections 272, 273 of the Indian Penal Code read with sections
30(a), 37(b)/38 of the Bihar Prohibition Excise Act, 2016.

The prosecution case as alleged is that during the
patrolling duty, on secret information, the petitioner was intercepted
and on search, in the premises of the petitioner, some non-alcoholic
as well as alcoholic drinks were found stored there for trade
purposes.

Learned counsel for the petitioner submits that
altogether 130 litres 500 grams of non-alcoholic as well as 16 litres



500 grams of alcoholic drinks have been allegedly recovered from the aforesaid premises, however allegation that the petitioner was involved in illegal trade, is not substantiated by any cogent material.

Learned A.P.P. opposed the prayer for bail pointing out that apart from the present case, the petitioner is involved in one more Excise Case No. 7 of 2015 registered under section 47(A) of the Excise Act. On this, learned counsel for the petitioner submits that the petitioner has already been granted the privilege of bail in the said case.

Considering the nature of allegations and the fact, so far alcoholic drink is concerned, it is only 16 litres 500 grams as submitted by the learned counsel for the petitioner, I am inclined to grant the privilege of bail to the petitioner, however the petitioner, above named, would be released on bail only on completion of three months' custody from the date of his arrest, on furnishing bail bond of Rs. 25,000/- (Twenty Thousand) with two sureties of like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, East Champaran in connection with Adapur P.S. Case No. 77 of 2017, subject to the condition that one of the bailors shall be a family member of the petitioner having no criminal antecedent.

Accordingly, this application is disposed of.

(Rajeev Ranjan Prasad, J)

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