

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25817 of 2017

Arising Out of PS.Case No. -1031 Year- 2016 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

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1. Bikash Chandra Banshi, S/o-Munna Singh @ Munna Chandra Banshi,
R/o Village-Amra Talab, P.S.-Sasaram (Muffasil), District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Advocate

For the Opposite Party/s : Mr. Ahtash Ali Khan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-07-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
08.12.2016 in connection with Sasaram (Muffasil) P.S. Case No.
1031/16 for offences punishable under Sections 47(a), 53(b)/54 of
the Bihar Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on a secret tip off, they raided the house of one
Nathuni Prajapati and from the house 157 litres of foreign liquor
and country-made liquor was recovered. On enquiry from the
nearby people, the police personnel were informed that four
persons including the petitioner were living in the house of
Nathuni Prajapati on rent and indulged in sale of illegal liquor.



Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in the aforesaid case only on the basis of suspicion as the petitioner was not present at the place where recovery was made and nothing has been recovered from his conscious possession. It is submitted that two other cases pending against him are of different nature and no case under the Bihar Prohibition and Excise Act is pending against him. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution case. He submits that the First Information Report has been lodged after inordinate delay and no plausible explanation has been given for such delay.

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

Be that as it may, 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, Sasaram, Rohtas in connection with Sasaram (Muffasil) P.S. Case No. 1031/16.

(Nilu Agrawal, J)

Rajesh/-

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