

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27397 of 2017

Arising Out of PS.Case No. -461 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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Dharmendra Mahto @ Dharmendra Kumar, Son of Late Sambhu Mahto.
Resident of Village- Rajashan, P.S.- Bidupur, District- Vaishali at Hajipur
(Bihar).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rakesh Kumar, Advocate.

For the Opposite Party : Mr. Iftekhar Mahmood, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioner is languishing in custody since 10.02.2017
in connection with Bidupur P.S. Case No. 461 of 2015 for the
offences instituted under Sections 272, 273 of the IPC and 47(a) of
the Bihar Excise Act.

The prosecution story, in brief, is that on 16.10.2015 at
about 2.00 P.M. informant Ram Sundar Prasad got information
that one Dharmendra Kumar has stored illegal country made
liquor, thereafter, informant with other police personnels reached
at Village Rajasan in front of Dharmendra Mahto house in banana
orchard at about 2.20 P.M. then one person fled away from banana
field in which villager identified as Dharmendra Mahto.
Thereafter, informant searched the banana field then 19 plastic



Gallon in which country made liquor about 1005 liters was kept and Gur about 50 Kg. found. In presence of independent witness, informant has made seizure list.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.02.2017 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. 1008 liters of country made liquor is said to have been recovered from the open field. The same has not been recovered from conscious possession 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 C.J.M., Vaishali at Hajipur in connection with Bidupur P.S. Case No. 461 of 2015.

(Sudhir Singh, J)

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