

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57974 of 2017

Arising Out of PS.Case No. -152 Year- 2017 Thana -GAUTAMBUDHNAGAR District- SIWAN
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Brajesh Prasad S/o Late Bankelal Sah R/o Village - Chari Bazar, P.S. - G.B. Nagar, District - Siwan.

..... Petitioner

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner : Mr. Satyendra Rai, Advocate.
For the Opposite Party : Mr. Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 22.07.2017 in a case for the offence registered under Sections 272, 273,308 of the IPC, 30, 36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that 2616 liters wine is said to have been recovered.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 2616 liters wine is



recovered from the orchard of one Barku Singh. The name of the petitioner has come on the basis of secret information as per the F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. Other co-accused has been granted bail by another co-ordinate Bench of this Court vide Cr. Misc. No. 46515 of 2017. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is 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 bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-2nd, Siwan, in connection with G.B. Nagar P.S. Case No. 152 of 2017.

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(Sudhir Singh, J)