

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6934 of 2017

Arising Out of PS.Case No. -103 Year- 2016 Thana -KUNDWACHAINPUR District-
EASTCHAMPARAN(MOTIHARI)

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1. Harendra Kumar @ Harindra Kumar, Son of Ram Shobhi Das @
Ramasavit Das, Resident of Village- Basatpur, P.S. Muffasil, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Satyendra Pd. Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 16-02-2017 The petitioner is in custody since 24.10.2016 in
connection with Kundwachainpur P.S. Case No. 103 of 2016,
registered for offences punishable under Sections 272, 273 of the
Indian Penal Code and Section 30(a), 37(a) of Bihar Excise Act.

It has been submitted on behalf of the petitioner that
though there is allegation of recovery of 450 litres of country
made liquor, the same was not recovered from the conscious
possession of the petitioner rather the same was recovered from a
Tempo, which did not belong to the petitioner and the petitioner
only happens to be the passerby and has been apprehended in this
case only on the basis of suspicion. Petitioner has been in judicial
custody since 24.10.2016.



Heard learned A.P.P. also.

Having heard both sides, considering the fact that huge quantity of country made liquor has been recovered and the petitioner has been apprehended on spot, I am not inclined to grant the petitioner, the privilege of regular bail, at this stage, it is accordingly rejected.

However, petitioner may renew his prayer for bail in the court below itself after completion of six months in the judicial custody, which will be considered by the court below taking into note the period of detention of the petitioner and also that the petitioner has no criminal antecedent, and shall pass an appropriate order, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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