

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20946 of 2017

Arising Out of PS.Case No. -231 Year- 2016 Thana -NABINAGAR District- AURANGABAD

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1. Mantosh Kumar Son of Ramnandan Chauhan, Resident of Village- Simri Damani, P.S.- Mali, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma

For the Opposite Party/s : Mr. Sri Chandra Bhushan Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 22-06-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in judicial custody since
30.12.2016 in connection with Nabinagar P.S. Case No. 231/2016
for offence alleged under Sections 30(K), 38 of the Bihar Excise
Amendment Act, 2016.

The prosecution case, as alleged by the police
personnel, is that during course of checking of vehicles the
petitioner was apprehended from a motorcycle carrying 48 litres of
illicit country made liquor. Although nothing was recovered from
conscious possession of the petitioner, but from the plastic packet
such illicit liquor was recovered.

Learned counsel for the petitioner submits that he



is innocent. He has no criminal history and that charge-sheet has already been submitted against the petitioner, hence, there is no chance of tampering with the prosecution evidence. It has further been submitted that nothing has been recovered from conscious possession of the petitioner. The petitioner has been falsely implicated in the case only on the basis of suspicion.

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

Considering the facts aforesaid and materials on record, 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, Aurangabad in connection with Nabinagar P.S. Case No. 231/2016.

(Nilu Agrawal, J.)

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