

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26977 of 2017**

Arising Out of PS.Case No. -52 Year- 2017 Thana -RAGHOPUR District- SUPAUL

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Md. Abbas, Son of Kailu Miyan, Resident of Village- Simrahi, P.S.-  
Raghopur, Dist.- Supaul.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      31-07-2017                      Heard learned counsel for the petitioner and the  
  
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since  
28.03.2017 in connection with Raghopur P.S. Case No. 52 of 2017  
corresponding to S.T. (Excise) No. 167 of 2017 registered for the  
offence punishable under Sections 30(a) of the Bihar Prohibition  
and Excise Act, 2016.

The prosecution case is that the police personnel on a  
secret tip-off raided the house of one Md. Kalam and in the house  
84.500 litres of Nepali wine was recovered. Accordingly, a seizure  
list was prepared. Petitioner and co-accused Md. Kalam were  
apprehended by the police.



It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession, there is no compliance of Section 100 of the Cr.P.c. and that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses. He submits that co-accused Md. Kalam has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 30255 of 2017 on 07.07.2017.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report and in as many as ten cases, he has been made accused, but they are of different nature, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Birpur in connection with Raghopur P.S. Case No. 52 of 2017 corresponding to S.T. (Excise) No. 167 of 2017, subject to the condition that both the bailors would be close relative of the petitioner having sufficient immovable properties within the



jurisdiction of the concerned P.S./ Court, who would file an affidavit stating their relationship with the petitioner.

**(Nilu Agrawal, J.)**

Arjun/-

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