

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.507 of 2017

Arising Out of PS.Case No. -134 Year- 2016 Thana -BOCHHA District- MUZAFFARPUR

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1. Arjun Sahani, son of Mahabeer Sahani, resident of Village - Dharopatti,
P.S. - Aurai, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-01-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
25.08.2016 in connection with Bochahan P. S .Case No. 134 of
2016 registered for the offence punishable under Sections
272,273, 290 of the Indian Penal Code and 47/47 (A)/ 48 (ii), 51/
53/ 57 of the Bihar Excise Amendment Act, 2016.

The prosecution case as lodged by the raiding police
party is that on secret information that Bhola Rai, Harishankar Rai
and Sudhir Mandal are carrying huge consignment of foreign
liquor by truck from Haryana, the truck and one Tata Sumo Gold
vehicle were seized and huge consignment of liquor was also
seized and petitioner and two others namely, Md. Ali and Binay
Bhagat were arrested from Sumo wherein 13 cartoons of 750 ml.
foreign liquor were recovered from the Sumo.



It has been submitted by the learned counsel for the petitioner that he is innocent and there is no criminal antecedent and he was engaged as a labourer, hence no overt act has been committed by him. He submits that charge sheet has already been submitted, hence there is no chance of tampering with the prosecution evidence and that one of the co-accused Md. Ali has since been granted the privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 54402 of 2016 on 20.12.2016 on similar allegations.

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, considering the facts and circumstances of the case that the other co-accused on similar allegation has since been granted the privilege of bail, let the petitioner above named is directed to be released 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- cum- Sub Judge, 11th, Muzaffarpur in connection with Bochahan P.S. Case No. 134 of 2016.

(Nilu Agrawal, J)

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