

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25385 of 2017

Arising Out of PS.Case No. -193 Year- 2017 Thana -KATIHAR District- KATIHAR

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Tuntun Sah, S/o Kailash Sah, resident of Village- Gaderi Tola, P.S. Town
thana, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Kumod Kumar Shrivastaw

For the Opposite Party/s : Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 06-06-2017 Heard Shri Kumod Kumar, learned advocate

appearing on behalf of the petitioner and learned APP for the

State.

The petitioner is being prosecuted in connection with
Nagar P.S. Case No. 193 of 2017 registered under sections 272
and 273 of IPC read with section 30(a) and 37(b) of the Bihar
Excise and Prohibition Act.

The prosecution story as alleged is that the patrolling
party on a secret information intercepted three wheeler (tempo)
which was carrying three persons along with the driver. The
police party stopped the tempo and searched it. On search, 48
litres of country made liquor were recovered from the side of the
tempo which was being driven by the driver Tuntun Kumar Singh.



Learned counsel for the petitioner would submit that so far as the present petitioner is concerned, only allegation against him is that he was one of the persons sitting on the seat of the tempo and that he was found to have consumed 100 ml of country made liquor. The learned counsel would submit that the petitioner is in custody since 27.3.2017. He has got no criminal antecedent and, therefore, he may be given an opportunity to mend himself.

The learned APP opposed the prayer for bail.

In the facts and circumstances of the case, considering the nature of allegation and that the tempo was being driven by another co-accused as also the quantum of liquor alleged to have consumed, let the *petitioner, namely, Tuntun Sah, be enlarged on bail on completion of three months custody since 2.3.2017* upon furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Katihar in connection with Katihar Town (Sahayak) P.S. Case No. 193 of 2017.

(Rajeev Ranjan Prasad, J)

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