

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.89 of 2017

Arising Out of PS.Case No. -90 Year- 2016 Thana -RAJIVNAGAR District- PATNA

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Dharmendra Rai @ Fuddan Rai, Son of Sri Ram Balak Rai, resident of
Rajapur, Pranami Mandir, Patliputra, P.S.- S.K. Puri, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Priyank Deepak, Advocate.

For the Opposite Party : Smt. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 14-02-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since 19.10.2016
in connection with Rajiv Nagar P.S. Case No. 90 of 2016, G.R.
No. 2780 of 2016 for the offences instituted under Sections 290,
272, 273 of the IPC and 47(a)(2), 53(b)(c) and 48(1)(2) of Bihar
Excise Act.

The prosecution story, in brief, is that on secret
information by the informant that some have constructed boundary
wall and a makeshift house thereon which is frequently used for
drinking as also trade in liquor, the police went to the occurrence.
Seeing the police party, three of them managed to escape. One
person was arrested. A recovery of cache of country made
liquor(7680 bottles) in the hut constructed inside the boundary



wall was made. The person who was arrested at the place of occurrence gave out the name of the petitioner as the one involved. On this basis, the FIR was lodged.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.10.2016 and the charge sheet has been submitted in the present case. There is no allegation of tampering of the witnesses alleged against the petitioner. He has falsely been implicated in the present case. His name has come on the disclosure made by the co-accused apprehended on the spot. The alleged country made liquor is said to have been recovered from possession of Ram Chandra Singh. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Patna, in connection with Rajiv Nagar P.S. Case No. 90/2016 (G.R. No. 2780/2016).

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(Sudhir Singh, J)

