

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27011 of 2017

Arising Out of PS.Case No. -27 Year- 2016 Thana -KHAGARIA RAIL P.S. District- KHAGARIA
=====

1. Kundan Sah, Son of Medni Sah, Resident of Village- Hatiya Paras
Chera Khera, P.S. Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.

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

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP
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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-07-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
24.03.2017 in connection with Khagaria Rail P.S. Case No. 27/16
for offences punishable under Sections 272,273 of the Indian
Penal Code and Section 30 of the Bihar Excise (Amendment) Act,
2016.

The prosecution case, as lodged by the police
personnel, is that during patrolling 3-4 persons leaving their bags
fled away. From the three bags 39 bottles each containing 750 ml
of foreign liquor was recovered. Accordingly, a seizure-list was
prepared.

It has been submitted by the learned counsel for



the petitioner that he is innocent, bears no criminal history and from the three bags 33.750 liters of foreign liquor was recovered and the whole amount cannot be attributable to the petitioner as it was found in three bags and 3-4 persons were seen fleeing away. He submits that the petitioner is not named in the First Information Report, has falsely been implicated in the present case and that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

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

Be that as it may, 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 Addl. Chief Judicial Magistrate, Rail, Khagaria, in connection with Khagaria Rail P.S. Case No. 27/16.

(Nilu Agrawal, J)

Rajesh/-

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