

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7088 of 2017

Arising Out of PS.Case No. -355 Year- 2016 Thana -GHORASAHAN District-
EASTCHAMPARAN(MOTIHARI)

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Mukesh Kumar @ Mukesh Kumar Sah, son of Mahanth Sah alias Mahant Sah, resident of Village - Barwa Khurd, P.S. - Kundwa Chainpur, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Jatin Aprawe @ Jitin Aprawe fathers name not known at present Asstt. Commandant, SSB Camp, Bhangaha, P.S. - Jharokhar, District - East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate
For Union of India : Dr. Punam Kumari Singh, CGC
For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 21-02-2017 Heard learned counsel for the petitioner.

This is an application for bail in connection with Ghorasahan P.S.Case No. 355 of 2016 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 47(A), 53 and 54 of Excise Act.

It has been submitted on behalf of the petitioner that petitioner is a auto driver and he has nothing to do with the alleged recovery of Nepali wine and he has remained in custody for more than five months

Heard learned APP and learned Central Government Counsel also, who have opposed the prayer for bail stating that huge quantity of Nepali wine has been recovered.

Having heard both sides and considering the fact that



no doubt there is recovery of huge amount of liquor in this case but now petitioner has remained in custody for more than five months, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Sikrahna at Dhaka, East Champaran, in connection with Sessions Ghorasahan P.S.Case No. 355 of 2016, subject to the conditions that :-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable properties within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reason, the prosecution is free to move the cancellation of his bail.

(Vinod Kumar Sinha, J)

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