IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.22860 of 2017

Arising Out of PS.Case No. -15 Year- 2017 Thana -PURAINI District- MADHEPURA

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Bengthu Sahni @ Baingthu Sahni, Son of Late Lodhai Sahni, resident of Village- Puraini, Godhiyari, Tola, P.S. Puraini, District- Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioner : Mr. Alok Kumar Singh, Advocate.
For the Opposite Party : Mr. Harendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 22-05-2017 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is languishing in custody since 21.03.2017 in connection with Puraini P.S. Case No. 15 of 2017 for the offences instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that on 05.03.2017 at 5.30 A.M., in the morning when the informant got secret information that the petitioner used to bring country made Mahua liquor from outside by his motorcycle by keeping the same in the dickey of the motorcycle and to sell the same from his house then the informant alongwith police personnels reached at the house of the petitioner and surrounded his house from all four sides and searched his house and the petitioner was found absconding from his house and during search 08 white polythene each containing

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01 liter total 08 liters illicit country made Mahua liquor kept in the dickey of the motorcycle has been recovered from the straw and tile made facing east house of the petitioner and accordingly a seizure list of the recovered articles was prepared .

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.03.2017. There is no allegation of tampering of the witnesses alleged against the petitioner. He has got no criminal antecedent. He has been made accused in the present case due to mistake of fact. As per the prosecution case, 08 liters illicit country made Mahua liquor is said to have recovered from the dickey of the motorcycle of the petitioner. 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, Udakishunganj, Madhepura, in connection with Puraini P.S. Case No. 15 of 2017.

(Sudhir Singh, J)

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