

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1305 of 2017

Arising Out of PS.Case No. -112 Year- 2016 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

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Mishrilal Kumar, S/o Late Inardeo Prasad, Resident of village-
Paigambarpur, P.S.- Shivaipatti, Dist.- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Pd., A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-01-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
30.08.2016 in connection with Rajepur P.S. Case No. 112 of 2016
registered for the offences punishable under Sections 272 and 273
of the Indian Penal Code and Sections 47(A), 53 (C) and 54 of the
Bihar Excise (Amendment) Act.

The prosecution case, as lodged by the police
personnel, is that having seen the police, accused persons started
fleeing, but two of them were apprehended, who disclosed their
names as Indal Sah and Mishrilal Kumar (petitioner) and on
search 720 ML Imperial Blue wine was recovered from the
motorcycle. Apprehended accused Indal Sah stated that he had



purchased the wine from Vijay Kumar Rai for their consumption.

It has been submitted by the counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from the possession of the petitioner and the liquor which was recovered from the motorcycle of another co-accused has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 53425 of 2016 on 20.12.2016. He further submits that petitioner bears no criminal antecedent

However, learned A.P.P. for the State submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sadar, Motihari, East Champaran in connection with Rajepur P.S. Case No. 112 of 2016.

(Nilu Agrawal, J.)

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