

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9580 of 2018

Arising Out of PS. Case No.-112 Year-2017 Thana- KAHAIYA District- Muzaffarpur

Baleshwar Rai, s/o- Bhikhar Rai, r/o- village Aswari Banjariya, P.S.-
Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari

For the Opposite Party/s : Mr. RANA RANDHIR SINGH

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 272, 273, 414 of the Indian Penal Code and Sections 30(A), 53(C) and 61 of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 4.5 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 21.11.2017. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come merely on the basis of secret information. The source and genuineness of the



secret information has not been disclosed by the prosecution. It is alleged that 4.5 liters wine is recovered from the motorcycle in question. The said motorcycle in question does not belong to the petitioner. Petitioner has not been apprehended on the spot. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffapur in connection with Kathaiya P.S. Case No. 112 of 2017.

(Sudhir Singh, J)

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