

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3510 of 2018

Arising Out of PS. Case No.-177 Year-2016 Thana- DARAUNDHA District- Siwan

Nagendra Ram, S/o Late Akalu Ram resident of Village- Dhebar, P.S. Daraunada, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Kant

For the Opposite Party/s : Mr. MADHURANAND JHA

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-02-2018 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, 273,308 of the Indian Penal Code and Sections 41(1), 37(A), 47(A) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 164 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 19.09.2017. 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 transpired on the basis of disclosure made by the local Chowkidar. Except for this,



there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 164 liters wine is recovered by the side of the road as per the seizure list. The petitioner has not been apprehended on the spot. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. 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 A.D.J.-II, Siwan in connection with Daraunada P.S. Case No. 177 of 2016.

(Sudhir Singh, J)

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