

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11969 of 2018

Arising Out of PS.Case No. -95 Year- 2017 Thana -RAGHUNATHPUR District- SIWAN

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Babulal Bin, Son of Late Banaithi, Resident of Village- Kausar Bintola,
Police Station Raghunathpur, District- Siwan.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ajay Kumar Tiwary, Advocate.

For the Opposite Party : Smt. Suman Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is languishing in custody since
11.12.2017 in a case for the offence registered under Sections 272,
273, 308 of the IPC, 30 and 38 of the Bihar Prohibition and Excise
Act, 2016.

The prosecution story, in brief, is that total 162.9
liters wine is said to have been recovered.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. Charge sheet/prosecution report has been submitted
in the present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. It is alleged that total



162.9 liters wine is recovered from the *Bathan* of Ram Sharan Yadav which is situated in *Diyara* area. The *Bathan* in question does not belong to the petitioner. The name of the petitioner has come on the basis of disclosure made by the local residents as per the F.I.R. The name of the local residents who have named the petitioner has not been disclosed by the prosecution. There is no compliance of Section 100 Cr. P.C. Other co-accused persons have been granted bail by another co-ordinate Benches of this Court as well as by a Bench of this Court vide Cr. Misc. No. 44050 of 2017 dated 15.09.2017, Cr. Misc. No. 1733 of 2018 dated 24.01.2018 and Cr. Misc. No. 9354 of 2018 dated 17.02.2018.

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, let 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 the learned Additional Sessions Judge-2nd-cum-Special Judge, Siwan, in connection with Raghunathpur P.S. Case No. 95 of 2017.

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(Sudhir Singh, J)