

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21861 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- GADHPURA District- Begusarai

SUMAN KUMAR Son of Ram Prakash Mahto Resident of Village -Kumbhi,
P.S.- Chairiya Bariyarpur, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 14.01.2019 in connection with Gadhpura P.S. Case No. 05 of 2019 for offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b) a, 35 of the Arms Act and Section 30(a)/32 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police personnel, is that while on patrolling duty they saw a Santro car coming. On seeing the police it turned but on chase the said car was intercepted but one co-accused fled away with pistol in his hand. Five co-accused including the petitioner sitting in the car were apprehended. On search, from the car 3 live cartridges and



375 ml. of illicit liquor was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, was just a passenger of the said vehicle and did not know that the ammunitions or the illicit liquor was concealed inside the car. He submits that nothing has been recovered from the conscious possession of the petitioner and he is languishing in judicial custody for about three months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the fact that petitioner does not bear any criminal antecedent, as stated in paragraph 3 of this application, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge (Excise Act), Begusarai, in connection with Gadhpura P.S. Case No. 05 of 2019.

(Nilu Agrawal, J)

Rajesh/-

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