

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29592 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- BAHERI District- Darbhanga

DAYARAM BHAGAT Son of Ram Narayan Bhagat Resident of Village-
Baheri, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 26-08-2019 In pursuance to order dated 03.05.2019, the Counter affidavit filed on behalf of Additional Chief Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar is accepted.

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 30(a) and 35 of the Bihar Prohibition and Excise Act, 2016 and 420, 467, 468, 120(B) of the Indian Penal Code.

Prosecution case, in short, is that 6035 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 5.3.2019. Charge-



sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 6035 liters wine is recovered from two different trucks. The name of the petitioner has transpired on the basis of disclosure made by co-accused. Nothing 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.-V- cum- Special Judge, Excise Act, Darbhanga in connection with Baheri P.S. Case No. 40 of 2019 corresponding to G.O. No. 202/19.

(Sudhir Singh, J)

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