

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55863 of 2019

Arising Out of PS. Case No.-92 Year-2019 Thana- MATIHANI District- Begusarai

NIRAJ KUMAR @ GOLU KUMAR Son of Chedi Singh Resident of Village
- Nayagaown, P.S.- Nayagaown, District - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 05-09-2019 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 420, 414, 465, 420(B) of the Indian Penal Code and 30(a), 32(ii), 38(i), 41(i) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 5148 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.07.2019 and has got no criminal antecedent. 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 5148 liters wine is recovered from the truck and Bolero vehicle. The



truck and Bolero in question do not belong to the petitioner. The name of the petitioner has transpired on the basis of disclosure made by co-accused Md. Akram who was apprehended on the spot. There is no recovery of any incriminating articles from the possession of the petitioner. The petitioner had no knowledge regarding the alleged incidence. 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 Additional Sessions Judge -2nd -cum- Special Judge, Excise, Begusarai in connection with Matihani P.S. Case No. 92/2019.

(Sudhir Singh, J)

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