

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79854 of 2018

Arising Out of PS. Case No.-134 Year-2017 Thana- BARGAINIA District- Sitamarhi

Md. Saddam Khan @ Saddam Khan Son of Nathuni Khan, Resident of
Village- Patahi Chowk, P.S.-Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Mr.Dilip Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

2 17-01-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Bairgania
P.S. Case No. 134 of 2017 instituted for the offence under
Section(s) 272/273 of the Indian Penal Code and Section 41 of
Bihar Prohibition & Excise Act, 2016.

Learned counsel for petitioner submits that petitioner
was not apprehended on the spot. There is no recovery of any
incriminating article from possession of this petitioner.

It is alleged that total 162 litres of Nepali Saufi liquor
has been recovered from tempo. The informant has further
alleged that driver of the tempo managed to run away. The
informant has mentioned the name of owner of the tempo as
Bishambhar Raut.



Learned counsel for petitioner submits that petitioner is neither owner nor driver of the alleged tempo.

Petitioner is in custody since 1.12.2018 having no criminal antecedent.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Judge, Sitamarhi in connection with Bairgania P.S. Case No. 134 of 2017, subject to the condition that both the bailors shall be the close relative of the petitioner.

(Sanjay Priya, J)

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