

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71396 of 2019

Arising Out of PS. Case No.-709 Year-2019 Thana- AGAMKUAN District- Patna

NAND KUMAR @ NAND NAND KUMAR CHAUHAN @ NAND KUMAR CHAUHAN, aged about years, Male/Female, Son of Triveni Prasad, Resident of Mohalla - Chandmari Road, P.S.- Kankarbagh, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Nawal Kishor Prasad, Advocate.
For the Opposite Party : Mr.Anand Mohan Prasad Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-11-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 30(a),(b)37(c),38, 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that the police raided the place of occurrence and recovered 400 liters wine from possession of co-accused Karu Manjhi, Raushan Kumar and others. The petitioner was arrested in drunken state.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 03.08.2019. The petitioner has got no criminal antecedent. 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. The said recovery is said to have been made from possession of co-accused Karu Manjhi, Raushan Kumar and others. The petitioner is alleged to have consumed liquor. Except for this, there is no substantive evidence to suggest the implication of the petitioner in the present case. There is no compliance of Section 100 of 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, 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 Special Judge, Excise Act, Patna, in connection with Special Case No. 6942 of 2019, arising out of Agamkuan P.S. Case No. 709/2019.

(Sudhir Singh, J)

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