

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51163 of 2017

Arising Out of PS.Case No. -76 Year- 2017 Thana -GOVINDPUR District- NAWADA

=====

1. Ashok Rajbanshi, S/o Late Hari Rajbanshi,
2. Rajesh Kumar S/o Naresh Rajbanshi, Both are R/o Village- Govindpur Sarai, P.S.- Govindpur, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Jagdhar Prasad

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 12.08.2017 in connection with Govindpur P.S. Case No. 76/2017 for offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the police personnel, is that on information that large scale illegal wine is being prepared, the place was raided and the petitioners were apprehended. From the place 45 litres of wine was recovered and 1500 Kgs of Mahua as well as utensils used for preparing wine was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioners that they are innocent, bear no criminal history, nothing has been recovered from their conscious possession and they are rotting in jail for more than 2½ months.

However, learned APP for the State opposes the prayer for bail stating therein that investigation is going on.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on completion of four months in custody on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II cum Special Judge, Nawada, in connection with Govindpur P.S. Case No. 76/2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.
- (ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.
- (iii) If the petitioners indulge in an offence of similar nature



in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

