IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10225 of 2017

Arising Out of PS.Case No. -52 Year- 2016 Thana -SAHJAHANPUR District- PATNA

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1. Laxaman Prasad Son of Late Awadhesh Singh, Resident of Village- Jivan Chak, P.S. Shahjahan Pur, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pranaya Shankar Sinha
For the Opposite Party/s : Mr. Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-03-2017 The petitioner is in custody since 05.12.2016 in connection with Shahjahanpur P.S. Case No. 52 of 2016, registered for offences punishable under Sections 272 and 273 of Indian Penal Code and Section 30(A) of Bihar Liquor Prohibition and Excise Act.

It has been submitted on behalf of the petitioner that though there is allegation of recovery of 209 bottles each containing 750 M.L. of country made liquor, however, the same has not been recovered from the possession of the petitioner rather the same was recovered from the possession of co-accused of this case, who happens to be the brother of the petitioner and the said co-accused has already been granted the privilege of regular bail by this Court vide order dated 21.12.2016 passed in Criminal

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Miscellaneous No. 54427 of 2016 and the petitioner has been languishing in judicial custody since 05.12.2016.

Heard learned A.P.P. also.

Having heard both sides, in view of the fact that nothing has been recovered from the possession of the petitoenr rather the alleged recovery has been made from the co-accused of this case, who is the brother of the petitioner and that co-accused has already been granted bail by this Court, as such, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna City, in connection with Shahjahanpur P.S. Case No. 52 of 2016, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.

(ii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates

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without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Vinod Kumar Sinha, J)

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