

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47162 of 2017

Arising Out of PS.Case No. -327 Year- 2017 Thana -LAKHISARAI District- LAKHISARAI

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1. Rahul Kumar Son of Om Prakash Saw @ Om Prakash Sah, R/o Mohalla-
Bari Durga Asthan, Ward No. 25, P.S.- Kabaiya, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Lakhisarai P.S.
Case No. 327/17 for offences punishable under Sections 272/273
of the Indian Penal Code and 30(a), 32(c), 38(b) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during course of patrolling they apprehended the
petitioner along with one other and from the motorcycle in a bag
15 bottles each containing 750 ml. of foreign liquor was
recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, has committed no offence, nothing



has been recovered from his conscious possession and seizure-list has not been prepared in accordance with Section 100 of the Cr.P.C. He is in custody since 26.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and as many as four cases, two of similar nature, are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II cum Special Judge (Excise), Lakhisarai, in connection with Lakhisarai P.S. Case No. 327/17, subject to the condition that both the bailors would be close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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