

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14476 of 2018

Arising Out of PS.Case No. -800 Year- 2017 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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1. Arjun Prasad, Son of Kailash Prasad @ Kailash Yadav, Resident of village- Trilok Bigha, Police Station- Hilsa, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Petitioner is permitted to make necessary correction in paragraph 1 of this application.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 22.12.2017 in connection with Hilsa P.S. Case No. 800 of 2017 for offences punishable under Sections 30A, 37C, 30D of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on information that one Rudal Choudhary is creating mischief in an intoxicated condition, the police apprehended the said co-accused Rudal Choudhary, who disclosed that the petitioner along with his wife was manufacturing country-



made liquor. A raid was conducted in the house of the petitioner and four litres of mahua wine, 10 litres of wet mahua and other articles used in manufacturing of mahua wine was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and just because he has a criminal antecedent, he has been made accused in the present case. Petitioner undertakes to cooperate in the investigation, provide all information and also undertakes not to tamper with the evidence or prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in two more cases of similar nature and one under the Arms Act.

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 Vith Addl. Sessions Judge, Nalanda at Biharsharif, in connection with Hilsa P.S. Case No. 800 of 2017, subject to the following conditions :



- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) 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)

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