

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14657 of 2018

Arising Out of PS.Case No. -532 Year- 2017 Thana -DEHRI TOWN District- SASARAM
(ROHTAS)

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1. Bhola Sah @ Bhola Saw S/o Late Ramashish Halwai, R/o Village/Mohalla- Triloki Nagar (Lal Bangala) P.S.- Dalmia Nagar, District-Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr. Sri Gauri Shankar Gupta

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 10.10.2017 in connection with Dehri Town (Dalmia Nagar) P.S. Case No. 532 of 2017 for offences punishable under Sections 30 (a), 41 (i), 38 (i) (ii) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during course of patrolling they found five persons near the Railway Hospital and while seeing the police all of them threw the bags and started to flee away amongst which one Anil Kumar was apprehended who disclosed the name of the petitioner and three others. From the bags 140 liters of country



made wine was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and the apprehended co-accused has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 47448 of 2017 on 12.10.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

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 Additional Sessions Judge, II-cum-Special Judge, Excise Rohtas at Sasaram in connection with Dehri Town (Dalmia Nagar) P.S. Case No. 532 of 2017, subject to the conditions that:

- (1) 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.

(2) 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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