

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28458 of 2018

Arising Out of PS.Case No. -106 Year- 2018 Thana -GAYA MUFFSIL District- GAYA

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Bhagwan Kumar @ Bhagwan Kr. Son of Kailash Sharma resident of
Village - Sohepur, Police Station - Muffasil, District - Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Muffasil P.S.
Case No. 106 of 2018 for offences punishable under Sections 30
(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant police
personnel, is that the Garage of co-accused Kailash Sharma was
raided and the petitioner along with co-accused Kailash Sharma
were apprehended while another person Bablu Yadav managed to
flee away. On search 76 liters 500 ml of illicit foreign liquor was
recovered from the Garage. Accordingly, a seizure list was
prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that the escaped co-accused has already been granted the privilege of pre-arrest bail by a Coordinate Bench of this Court, the Garage also did not belong to him and nothing has been recovered from his conscious possession and that he is languishing in judicial custody since 05.04.2018.

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 Special Judge, Excise Gaya, in connection with Muffasil P.S. Case No.106 of 2018, subject to the condition 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) Petitioner will co-operate with the investigation or trial of the case and



will appear before the concerned
police station/court as and when
required.

(Nilu Agrawal, J)

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