

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28644 of 2018

Arising Out of PS. Case No.-38 Year-2018 Thana- DHAKA District- East Champaran

Harendra Kumar S/o Jaykishun Mahto, R/o Vill.- Pandri, P.S.- Dhaka,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar @ Sonu
For the Opposite Party/s : Mr. Madan Kumar

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 Dhaka P.S.
Case No. 38 of 2018 for offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant
police personnel, is that on secret information that the petitioner
along with another co-accused Prince Raj, who are running a
school and in the Scorpio car, which was engaged in bringing
the children, they are involved in transporting huge quantity of
illicit liquor from Nepal, a raid was conducted and the police
seized 2250 bottles of Nepali sophy wine each containing 300
ml. And, accordingly, a seizure-list was prepared. Petitioner and
two others managed to escape.



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 nothing has been recovered from the conscious possession of the petitioner and one of the co-accused Prince Raj has already been granted privilege of pre-arrest bail by a coordinate Bench of this Court and the petitioner is languishing in judicial custody since 09.03.2018.

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 4th Additional Sessions Judge cum Special Judge, Excise, Motihari, East Champaran, in connection with Dhaka P.S. Case No. 38 of 2018, 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) Petitioner will appear before the learned court below



during trial as and when required and failure to appear
on two consecutive dates without assigning any reason
will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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