

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14488 of 2018

Arising Out of PS.Case No. -629 Year- 2017 Thana -BARBIGHA District- SEKHPURA

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1. Piyush Kumar S/o Sanjeev Singh, R/o Village- Maur, P.S.- Barbigha,
District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Sri Zainul Abedin

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Barbigha P.S.
Case No. 629 of 2017 (Excise Case No. 837 of 2017) for offences
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that one Uday Singh has
brought a truck loaded with huge consignment of illicit liquor and
engaged in selling of illicit liquor along with 15 persons named in
the F.I.R. including the petitioner and 3-4 other persons, the police
conducted a raid but all the miscreants fled away. The truck was
searched and total 4028.400 liters wine is said to have been



recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, not apprehended by the police and has been falsely implicated. He submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody since 30.01.2018. He further submits that one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 7809 of 2018 on 12.02.2018. He also submits that there is no compliance of Section 100 of the Cr.P.C.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is 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 1st Additional District and Sessions Judge, Sheikhpura in connection with Barbigha P.S. Case No. 629 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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