

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58024 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- LAURIA District- West Champaran

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1. Kamlesh Prasad son of Late Gopal Prasad
2. Akhilesh Prasad alias Akhileshwar Prasad @ Bhuar son of Late
Gopal Prasad Both residents of village Lauriya, Ward No. 9, P.S.
Lauriya, District West Champaran ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Mukesh Kumar, Adv.

For the Opposite Party : Mr. Uday Chand Prasad, APP 145

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 03-10-2018 Heard the learned counsel for the petitioners and the
learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 26.06.2018 in connection with Lauriya P.S. Case No. 130 of 2018 for the offence alleged 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 Bipin Prasad has concealed foreign liquor in his house, the police conducted a raid and found 123.66 liters of foreign wine in the courtyard of the said co-accused, Bipin Prasad, who was trying to conceal it, but, was apprehended and named the petitioners who had brought the illicit liquor in his house and from there they used to sell it to different persons.

It has been submitted by the learned counsel for the



petitioners that they are innocent and not apprehended on the spot and it is only on the basis of confessional statement of co-accused, Bipin Prasad, they have been made accused. It is submitted that nothing has been recovered from the conscious possession of the petitioners and only on suspicion they have been made accused and that the charge sheet has already been submitted that they are languishing in judicial custody since more than three months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioners do not bear clean antecedent and are involved in one more case of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Lauriya P.S. Case No. 130 of 2018 to the satisfaction of the learned Special Judge (Excise Act), West Champaran at Bettiah, subject to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his/their



relationship with the petitioners.

(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bonds.

(Nilu Agrawal, J)

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