

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14387 of 2018

Arising Out of PS.Case No. -7 Year- 2018 Thana -KISHANGANJ District- KISANGANJ

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1. Bishwanath Ghosh S/o Late Harendra Nath Ghosh @ Late Harindra Nath Ghosh, R/o A.P.C. Sarani Deshbandhu Para, Siliguri, P.S.- Siliguri, District-Darjeeling (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dshirendra Kumar Trivedi

For the Opposite Party/s : Mr. Jagdhar Prasad

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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 Special Case No. 05/18, arising out of Kishanganj P.S. Case No. 07/2018 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 a pick-up van is near petrol pump and huge consignment of illicit liquor is stored inside, the police conducted a raid and recovered 63 litres of illicit foreign liquor from the said van. 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 as he was not apprehended on the spot. He submits that his wife is the owner of the said pick-up van and the driver was also not present as his pick-up van has been hijacked and he has gone to file a report, but was arrested in the meantime. Petitioner is ready to cooperate with the investigation, provide all necessary information and undertakes not to tamper with the evidence or prosecution witnesses.

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 Addl. Sessions Judge-II cum Special Judge (Excise), Kishanganj, in connection with Special Case No. 05/18, arising out of Kishanganj P.S. Case No. 07/2018, subject to the condition that 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.

(Nilu Agrawal, J)

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