

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14409 of 2018

Arising Out of PS.Case No. -15 Year- 2018 Thana -FATUHA District- PATNA

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1. Binay Rai, S/o Rudal Roy, R/o Village- Kripal Tola, P.S.- Fatuha,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

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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 is languishing in judicial custody since
11.01.2018 in connection with Special Case No. 281 of 2018,
arising out of Fatuha P.S. Case No. 15 of 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 a secret tip off that the petitioner has
brought wine in his house, the police raided his house and from
a room 36.750 litres of foreign illicit liquor and 2.520 of
orange wine was recovered. Accordingly, a seizure-list was
prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession and Section 100(6) Cr.P.C. has also not been complied with. 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 stating therein that the petitioner does not have clean antecedent and is involved in one more case of similar nature.

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, Patna, in connection with Special Case No. 281 of 2018, arising out of Fatuha P.S. Case No. 15 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) 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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