

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19282 of 2018**

Arising Out of PS.Case No. -50 Year- 2018 Thana -FATEHPUR District- GAYA

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Binay Kumar S/o Pramod Yadav, R/o Village- Andhar, P.S.- Tankuppa,  
District- Gaya.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      24-04-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner is languishing in judicial custody since  
01.03.2018 in connection with Fatehpur P.S. Case No. 50 of 2018  
for offences punishable under Section 30A of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police  
personnel, is that on secret information that some persons in a  
motorcycle are carrying illicit liquor from Jharkhand the police  
reached there and apprehended the petitioner along with two  
others. The police also found 5-6 persons walking in a suspicious  
condition and in their possession also illicit liquor was found. The  
petitioner was the driver of the motorcycle and from the co-



accused Pradeep Singh sitting behind, 40 liters of Mahua wine was recovered. 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, nothing has been recovered from his conscious possession and is languishing in judicial custody since more than 1 ½ months.

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 Special Excise Judge, Gaya in connection with Fatehpur P.S. Case No. 50 of 2018, 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) Petitioner will co-operate in the investigation and provide all papers necessary during investigation and will



not tamper with the evidence failing  
which his bail bonds will be cancelled.

**(Nilu Agrawal, J)**

Devendra/-

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