

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3433 of 2019

Arising Out of PS. Case No.-105 Year-2018 Thana- NOWKOTHI GARHPURA District-
Begusarai

=====

Anjani Kumar Singh @ Prabhu Ji @ Anjani Kumar Sinha, Male, aged about
58 years, son of Late Bodhan Singh, resident of Village – Naokothi, P.S.
Naokothi, district Begusarai ... Petitioner

Versus

The State of Bihar ... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Adv.

For the Opposite Party : Mr. Md. Shakir Ahmad, APP

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
19.10.2018 in connection with Naokothi P.S. Case No. 105 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 during night patrolling he got secret
information that the petitioner is selling illicit wine from the
house of his brother-in-law, Baua Singh. On reaching the house
the petitioner was found sleeping out side the door and on
search from the house 44.280 liters of Indian made foreign
liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, the house where the illicit liquor
was found does not belong to him and nothing has been



recovered from his conscious possession. It is, further, submitted that although one case is pending against the petitioner under Section 302 of the Indian Penal Code as well as under the Arms Act the petitioner has already been acquitted in the said case and the said case was of the year 2005. Apart from that the petitioner does not bear any criminal antecedent. He, further, submits that the charge sheet has already been submitted, there being no allegation of tampering of the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Naokothi P.S. Case No. 105 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Begusarai, 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)

Shamshad/-

U		T	
---	--	---	--

