

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3220 of 2019

Arising Out of PS. Case No.-242 Year-2018 Thana- NADI P.S. District- Patna

Harbanshu Roy @ Harvansh Rai, aged about 63 years (Male), son of Late
Rajaram Roy resident of Kripal Tola Fatwah, P. S. - Nadi (Fatwah), district
Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Kumar Sinha, Adv.

For the Opposite Party : Mr. Sharda Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 24-01-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner, who is languishing in judicial custody since 30.11.2018, seeks bail in connection with Nadi P.S. Case No. 242 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 some illicit liquor is being loaded near Maunia Ghat, the police conducted a raid and found four persons unloading a bag. While two persons fled away, the petitioner along with another co-accused, was apprehended with 36 liters of foreign illicit liquor. The petitioner revealed that he is just a chalak (driver) of the boat and the illicit liquor belongs to the co-accused, Bhola Rai, Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, does not trade in illicit liquor,



bears no criminal history and was just a chalak (driver) of the boat. He, further, submits that nothing has been recovered from the possession of the petitioner and he undertakes not to induce or tamper with the prosecution witnesses. It has also been submitted that one of the co-accused, apprehended along with the petitioner, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 1949 of 2019, dated 15.01.2019.

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

Considering the facts and circumstances and that the petitioner bears a clean antecedent, 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 Nadi P.S. Case No. 242 of 2018 to the satisfaction of the learned Additional Special Judge, Excise Act, Patna.

(Nilu Agrawal, J)

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