

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.3429 of 2019**

Arising Out of PS. Case No.-389 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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Prem Rawani, son of Shankar Rawani, Resident of Village- Fulai Tand, P.S.  
Kharkhari Madhuban, District- Dhanbad (Jharkhand) ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Ashwini Kumar Rai, Adv.  
For the Opposite Party : Mr. Suman Kumari Singh, APP

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**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  
25.10.2018 in connection with Excise Case No. 389 of 2018 for  
the offences alleged under Sections 30(a) and 56(b) of the Bihar  
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise  
officials, is that on confidential information that vehicle  
(Mahindra pick-up van) is carrying illicit liquor driven by the  
petitioner which was searched and under the coconut 2000 liters  
illicit liquor 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 and has  
been falsely implicated in the aforesaid case. It has, further,



been submitted that one of the co-accused in the pick-up van has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 78935 of 2018, dated 10.01.2019. The petitioner, further, undertakes not to induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that huge quantity of illicit liquor was being carried in a pick-up van of which the petitioner was a driver.

Considering the facts and circumstances and the materials on record and that the petitioner has clean antecedent, let the petitioner, above named be released on bail, **on completion of six months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Excise Case No. 389 of 2018 to the satisfaction of the learned Special Judge, Excise, Gaya, 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) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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/-

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