

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7778 of 2019

Arising Out of P.S. Case No.-456 Year-2018 Thana- KHAJEKALA District- Patna

PULISH RAI @ GUNGA RAI @ GONGA, aged about 39 years, Male, son of Lala Rai Resident of Mohalla - Ganga Bridge Colony near Chitragupt Temple, P.S.- Kajekala, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-02-2019 Heard the learned counsel for the petitioner and learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Special Case No.11571 of 2018 arising out of Khajekala P.S.Case No.456 of 2018 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case as lodged by the police personnel is that during search, 31.500 ml. country made *Mahua* wine in two plastic bags were recovered from the cow-dung and fodder *Khatal* of the petitioner. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent



and has been falsely implicated in the aforesaid case. He further submits that the alleged recovery of Mahua wine was neither made from the possession of the petitioner nor from his alleged Khatal and the petitioner is languishing in judicial custody since 13.12.2018.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, 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 Special Case No.11571 of 2018 arising out of Khajekala P.S.Case No.456 of 2018 to the satisfaction of learned Special Judge Excise, Patna.

(Nilu Agrawal, J)

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