

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10356 of 2019

Arising Out of PS. Case No.-636 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Katihar

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PRAKASH PRASAD CHAUHAN, son of Hari Pd. Chauhan R/O- Bheria
Rahika, P.S. Katihar (s), District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Renuka Ratnakar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-02-2019 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in judicial custody
since 07.12.2018 in connection with Katihar C.I. Case No.
636 of 2018 for offences punishable under Sections 30(a)
read with Section 13 of the Bihar prohibition and Excise
Act.

The prosecution case, as lodged by the excise
officials, is that on secret information that the petitioner is
selling illicit liquor the house of the petitioner was raided
and 47.640 litres 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, bears no criminal history and nothing has been recovered from his conscious possession. The house is a joint family property and petitioner cannot be attributed for the said offence. He further submits that petitioner undertakes to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

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

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 ADJ-II cum Special Judge, Katihar, in connection with Katihar C.I. Case No. 636 of 2018, subject to the following conditions :

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. 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)

Rajesh/-

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