

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.9356 of 2019

Arising Out of PS. Case No.-405 Year-2018 Thana- PIRO District- Bhojpur

ASHOK SINGH, aged about 48 years, Male, S/o Shivmuni Singh, resident of
village-Jantola, P.O-Jitaura Jangal Mahal, P.S-Piro, district Bhojpur
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ganesh Prasad Singh, Adv.

For the Opposite Party : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 18-02-2019

Heard the learned counsel for the petitioner and the learned
counsel appearing for the State.

The petitioner is languishing in judicial custody since
16.12.2018 in connection with Excise Case No. 2291 of 2018 arising
out of Piro P.S. Case No. 405 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 the house of the petitioner was raided and
from inside the house and from the pien, 102 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, bears no criminal history and has been
falsely implicated in the aforesaid case. Nothing has been recovered
from his conscious possession and he is languishing in judicial custody
since more than two months. It is, further, submitted that the seizure
list has not been signed by the local witnesses, but, by the police
officers themselves, which is in violation of Section 100 of the Criminal



Procedure Code. 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.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail, **on completion of four 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. 2291 of 2018 arising out of Piro P.S. Case No. 405 of 2018 to the satisfaction of the learned Special Judge, Bhojpur at Ara, 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/-

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