

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10374 of 2019

Arising Out of PS. Case No.-292 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

JHUNNU MISHRA Son of Dinesh Mishra R/o village-Banta Mal, P.S-
Bhorey, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Bishweshwar Ram

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
15.12.2018 in connection with Excise Case No. 292 of 2018 for
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2016.

The prosecution case, as lodged by the excise
officials, is that on secret information the house of the petitioner
was raided and from the back-yard under the bushes 47 litres of
country-made liquor was recovered. Accordingly, a seizure-list
was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, nothing has been recovered from
his conscious possession, the illicit recovered liquor did not



belong to him and his confessional statement before the police was taken under coercion, which has no evidentiary value in the eye of law. 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 stating therein that the petitioner does not have a clean antecedent as one more case, although under different offence, is pending against him.

Considering the facts and circumstances and the materials on record, 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 2nd Addl. District & Sessions Judge cum Special Judge (Excise), Gopalganj, in connection with Excise Case No. 292 of 2018, subject to the condition that 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.

Rajesh/-

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(Nilu Agrawal, J)

