

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12999 of 2019

Arising Out of P.S. Case No.-340 Year-2018 Thana- DALSINGHSARAI District- Samastipur

VIJAY DAS, aged about 45 years, Male, Son of Nathuni Das R/o village-
Gado Bazidpur, P.S- Dalsingsarai, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
06.12.2018 in connection with Dalsingsarai P.S.Case No.340 of
2018 for the offence alleged under Sections 272 and 273 of the
Indian Penal Code and Sections 30(a) and 41(1) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on the confession of one Indra Kumar, the
house of Vishwanath Das was raided and 5.340 litres of Indian
Made Foreign liquor was recovered. It is alleged that the
petitioner was supplying the illicit liquor to the said co-accused
Vishwanath Das. 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 house and on misconception his name was added after nearly 24 days of lodging of the FIR. He further submits that co-accused from whose house illicit liquor was recovered has already been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.9452 of 2019 vide order dated 20.02.2019.

However, learned APP for the State opposes the prayer for bail stating that the petitioner does not bear a clean antecedent and is involved in one more case of similar nature.

Considering the nature of allegations and the facts and circumstances, 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 Dalsingsarai P.S.Case No.340 of 2018 to the satisfaction of learned 3rd Additional Sessions Judge-cum-Special Judge, Excise, Samastipur, 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)

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