

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11280 of 2019**

Arising Out of PS. Case No.-29 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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AWAKESH KUMAR Son of Awadhesh Prasad Srivastava Resident of Village
- Narharwa Siwan, P.S.- Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv
For the Opposite Party/s : Ms.Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 14-03-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegation against the petitioner is of recovery of 40.500 Litres of Nepali liquor from the possession of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Nothing has been recovered from the possession of the petitioner. Petitioner is in custody since 08.01.2019.

Considering the fact that the petitioner is accused in similar nature of case, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner



is hereby rejected.

However it is observed that the petitioner named above be released on bail **after completing six months of jail custody** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Excise Case No. 29 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4). If the petitioner is found involved in similar nature of offence, after his release on bail, the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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