

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10377 of 2019

Arising Out of PS. Case No.-157 Year-2018 Thana- DHANSOI District- Buxar

RAJESH PRASAD @ RAKESH Son of Kanhaiya Prasad Resident of
Village-Dhansoi, P.S.-Dhansoi Dist Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar

For the Opposite Party/s : Mr.Sharda Kumari

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 28.12.2018 in connection with Dhansoi P.S. Case No. 157 of 2018, Special Case No. 990 of 2018 for offences punishable under Section 290 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on a tip off the house of the petitioner and co-accused Manu Kumar was searched and from the toilet 40.150 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 and has been falsely implicated in



the aforesaid case. He submits that no recovery has been made from the conscious possession of the petitioner and he undertakes to cooperate in the investigation.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent as one more case under the Excise Act is pending against him.

Considering the facts and circumstances and the materials on record as well as the nature of allegations, let petitioner, above named, be enlarged on bail on completion of three months in custody on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-II cum Special Judge (Excise Act), Buxar, in connection with Dhansoi P.S. Case No. 157 of 2018, Special Case No. 990 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/-

U		T	
---	--	---	--

