

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13479 of 2019

Arising Out of PS. Case No.-158 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. NIRANJAN RAI Son of Chanarik Roy Resident of Mohalla - Kila Road, Ward No.67, P.S.- City Chowk, District - Patna
 2. Chandan Kumar Son of Ashok Kumar Resident of Mohalla - Kaimasikoh, P.S.- City Chowk, District - Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 08-03-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 24.01.2019 in connection with Chowk P.R. P.S. Case No. 158 of 2019 for offences punishable under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, as lodged by the excise officials, is that during checking they received information that some persons are selling illicit liquor under the peepal tree, the officials conducted a raid and apprehended the petitioner, who disclosed that they used to bring illicit liquor for co-accused Arvind Rai. Petitioner No. 2 was found in an intoxicated



condition which was confirmed through breath analyzer. On search 124 litres of country-made liquor and 7.500 litres of Indian made foreign liquor was recovered. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent, petitioner no. 2 bear no criminal history and the main accused Arvind Rai had fled away. Petitioners had no concern with the illicit liquor which was not recovered from their conscious possession and they are languishing in judicial custody for nearly two months. Petitioners also undertake 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 petitioner no. 1 does not have a clean antecedent as one more case is pending against him and petitioner no. 2 was found in an intoxicated condition.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Patna, in connection with Chowk P.R. P.S. Case No. 158 of 2019, subject to the following



conditions :

(i) One of the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating his relationship with the petitioners.

(iii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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