

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10685 of 2019

Arising Out of PS. Case No.-180 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

GANESH KUMAR, aged about 19 years, Male, Son of Satendra Prasad,
Resident of Village - Koransarai, P.S.- Koransarai, District -Buxar

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
24.12.2018 in connection with Case No. 180 (O) of 2018 for the
offence alleged under Section 30(a) of the Bihar Excise
(Amendment) Act, 2018.

The prosecution case, as lodged by the excise
officials, is that during checking they intercepted the Scorpio
jeep and on search 276.480 liters of Indian made foreign liquor
was recovered. The petitioner along with other co-accused,
Ravi Kumar, was apprehended. Accordingly, a seizure list was
prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and was
just the carrier and had been promised to be paid Rs.5,000/-
from one Mantu Kumar, who is the owner of the illicit liquor.
Petitioner undertakes to cooperate in the investigation not to



induce witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that huge quantity of illicit liquor was recovered from the vehicle where the petitioner and another co-accused were intercepted.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail, **on completion of four months in custody**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Case No. 180 (O) of 2018 to the satisfaction of the learned Special Judge, Excise, Buxar, 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)

Shamshad/-

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

