

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14723 of 2019

Arising Out of PS. Case No.-490 Year-2018 Thana- PATNA CITY CHOWK District- Patna

1. SURESH RAI, Male, aged about 55 years, Son of Late Lovit Rai, Resident of Village- Kachouri Gali, P.S.- Chowk, District- Patna
2. Ratish Yadav @ Ratish Roy, Male, aged about 26 years, Son of Suresh Rai, Resident of Village- Kachouri Gali, P.S.- Chowk, District- Patna

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ram Kishun Prasad, Adv.

For the Opposite Party : Mr. Arbind Kumar Pandey, APP 84

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 20.12.2018 in connection with Chowk P.S. Case No. 490 of 2018 for the offences alleged under Sections 25(1-B)a, 26 and 35 of the Arms Act and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that in the house of petitioner no. 1, his son, petitioner no. 2, has brought 14.520 liters of Indian made foreign liquor, the police conducted a raid. The petitioner no. 2 refused to open the door of the house, but, it was eventually opened and from the room of petitioner no. 2 country made pistol was recovered and from the garbage in the



house nearly 14.487 liters of Indian made foreign liquor was recovered. Accordingly, two seizure lists were prepared.

It has been submitted by the learned counsel for the petitioners that they are innocent. Although petitioner no. 1 is involved in one more case under the Excise Act, petitioner no. 2 does not bear any criminal antecedent. He, further, submits that nothing has been recovered from the conscious possession of the petitioners and they are languishing in judicial custody since nearly three months. Petitioners undertake to cooperate in the investigation, not to tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that petitioner no. 1 does not bear a clean antecedent and is involved in one more case under the Excise Act.

Considering the nature of allegations and the materials on record, let the petitioners, above named be released on bail on furnishing bail, **on completion of four months in custody**, bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Chowk P.S. Case No. 490 of 2018 to the satisfaction of the learned Special Judge, Patna, subject to the following conditions :

(i) One of the bailors of each of the petitioners would



be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).

(ii) 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 his/their bail bond(s).

(Nilu Agrawal, J)

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