

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13476 of 2019

Arising Out of PS. Case No.-555 Year-2018 Thana- BAGHA District- West Champaran

SHAMBHU RAM Son of Late Kanchan Ram Resident of Village - Naraipur,
Ward No.12, P.S.- Bagaha, Pathkhauli, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in judicial custody since
19.11.2018 in connection with Bagaha Patkhauli P.S. Case No.
555 of 2018 for offences punishable 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 the petitioner has
concealed illicit liquor in his house, the police conducted a raid
and apprehended the petitioner. On search, from his house under
his bed five litres of country-made liquor was recovered.
Accordingly, a seizure-list was prepared..

It has been submitted by the learned counsel for the
petitioner that he is innocent, nothing has been recovered from



his conscious possession and has been falsely implicated in the aforesaid case. He further submits that just because he has a criminal antecedent, he has been made accused in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and three more cases of similar nature, are pending against him.

Considering the facts and circumstances, materials on record, period of custody and the nature of allegations, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), West Champaran at Bettiah, in connection with Bagaha Patkhauri P.S. Case No. 555 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)

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