

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12582 of 2019

Arising Out of PS. Case No.-261 Year-2018 Thana- PHULWARIYA District- Gopalganj

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AJAY KUMAR MISHRA @ AJAY KUMAR @ AJAY MISHRA Son of Dina Nath Mishra Resident of Village - Dubey Batrahan, Police Station.- Phulwaria (Shripur O.P.), Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Jagdhar Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since 01.02.2019 in connection with Phulwaria P.S. Case No. 261 of 2018 for offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant police personnel, is that on secret information that the petitioner has concealed huge quantity of illicit liquor in a field, the police conducted a raid but one person, namely, Manoj Tiwary managed to flee away. From the field in the bushes under the earth in a drum 144.980 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, bears no criminal history, nothing has been recovered from his conscious possession and even the field from where the illicit liquor was found does not belong to the petitioner. Petitioner undertakes 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.

Considering the facts and circumstances and the nature of allegations as well as the fact that nothing has been recovered from the conscious possession of the petitioner and he bears no criminal antecedent, 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 Addl. Sessions Judge-II cum Special Judge (Excise), Gopalganj, in connection with Phulwaria P.S. Case No. 261 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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