

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12623 of 2019

Arising Out of PS. Case No.-863 Year-2018 Thana- BIHTA District- Patna

1. SUDHIR THAKUR, Male, aged abut 40 years, Son of Vijay Thakur
2. Jhanjhat Rai @ Abhay Kumar @ Abhay Rai, Male, aged about, Son of Sharwa Rai, both are Residents of Village - Daulatpur, P.S.- Bihta, Distt - Patna

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Manish Kumar No.2, Adv.

For the Opposite Party : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 30.01.2019 in connection with Special Case No. 7205 of 2018 arising out of Bihta P.S. Case No. 863 of 2018 for the offence alleged 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 large number of persons in village Daulatpur are engaged in manufacturing of country made wine, the police conducted a raid wherein all the persons, found there, managed to flee away. From the local Chowkidar as many as ten persons were named, who were indulged in manufacturing the country made liquor, including



the petitioners. From the place utensils and jaggery, used in manufacturing illicit liquor, were destroyed and 250 liters country made wine 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. 1 bears no criminal antecedent and has been falsely implicated only on the basis of the statement of Chowkidar. He submits that one of the co-accused, on similar allegation, has been granted the privilege of pre-arrest bail by a coordinate Bench of this Court in Cr. Misc. No. 77639 of 2018, dated 02.01.2019. Petitioners, further, undertake to cooperate in the investigation, not to induce the witnesses or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that petitioner no. 2 does not have a clean antecedent and is involved in one more case of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Special Case No. 7205 of 2018 arising out of



Bihta P.S. Case No. 863 of 2018 to the satisfaction of the learned Special Judge, Excise, 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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