

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13449 of 2019

Arising Out of P.S. Case No.-144 Year-2018 Thana- BAHADURPUR District- Darbhanga

RABINDRA LAL DEO, aged about 49 years (Male), Son of Jaleshwar Lal Deo Resident of Village - Biuani, P.S.- Bahadurpur (Pataur O.P.), Distt - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das, Advocate

For the Opposite Party/s : Mr.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 10.01.2019 in connection with G.O. Case No.345 of 2018 arising out of Bahadurpur (Pataur O.P.) P.S.Case No.144 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 informant police personnel is that on secret information that one Ramashankar Singh and Dilip Sah have concealed huge quantity of liquor in the orchard of one Phulo Singh, the police conducted a raid. While none was apprehended, on search 157 litres of Indian Made Foreign liquor was recovered hidden in the



orchard. From the local villagers, it was stated that co-accused Ramashankar Singh is the Financer and petitioner along with four others are involved in the trade of liquor. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that nothing has been recovered from his conscious possession. Petitioner was not apprehended on the spot and it is only on the basis of hearsay and his criminal antecedent that the petitioner has been made accused. Petitioner further undertakes to cooperate in the investigation, not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating that the petitioner is a habitual offender, four more cases for similar offence is pending against him and two more cases under serious offenses is pending against him.

Considering the facts and circumstances and the materials on record as well as the nature of allegations, 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 G.O. Case No.345 of 2018 arising out of



Bahadurpur (Pataur O.P.)P.S.Case No.144 of 2018 to the satisfaction of learned Additional Sessions Judge-V-cum-Special Judge (Excise Act), Darbhanga, 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)

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