

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15033 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- SARSI District- Purnia

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BINDESHWARI RAJWAR @ BINDI Son of Late Ketub Rajwar Resident of
Village- Kuchyahi, Akhtiarpur, P.S.- Sarsi, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Ms.Sharda Kumari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
31.12.2018 in connection with Special Excise Case No. 1173 of
2018, arising out of Sarsi P.S. Case No. 171 of 2018 for offences
punishable under Sections 272, 272 of the Indian Penal Code
and 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 is
selling illicit liquor, the police raided the place and apprehended
the petitioner near his house. On search, 5 litres of country-
made liquor and Rs. 710/- was recovered from the petitioner,
and, 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 petitioner has been sufficiently punished as he is languishing in judicial custody for 2½ months and 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 stating therein that petitioner is a habitual offender as two more cases, under similar offence, are pending against him.

Considering the nature of allegations and the period of custody, 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 Spl. Judge (Excise), Purnea, in connection with Special Excise Case No. 1173 of 2018, arising out of Sarsi P.S. Case No. 171 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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