

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13441 of 2019

Arising Out of PS. Case No.-373 Year-2018 Thana- ISLAMPUR District- Nalanda

SHYAM KISHOR CHAUDHARY, Male, aged about 22 years, S/o Late Teni Chaudhary, R/o Village- Budhanagar, P.S.- Islampur, District- Nalanda
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Raj Kishor Prasad, Adv.

For the Opposite Party : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

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

The petitioner is languishing in judicial custody since 25.01.2019 in connection with Islampur P.S. Case No. 373 of 2018 for the offence alleged under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that huge assignment of illicit liquor is being brought, loaded and unloaded, the police reached the spot and found 99 liters of illicit Indian made foreign liquor being unloaded from a Safari vehicle and loaded in Tata Indica vehicle. Altogether 376.75 liters of illicit liquor was recovered from both the vehicles and three persons were apprehended, who revealed the name of petitioner and others involved in the said trade of illicit liquor.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, was not apprehended on the spot, nothing has been recovered from his conscious possession and on the confessional statement of



co-accused, Kaushlendra Kumar, before the police which has no evidentiary value in the eye of law, he has been made accused in the present case. He submits that two persons named by the apprehended co-accused have been granted privilege of pre-arrest bail by this Court and the apprehended co-accused have also been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 75072 of 2018, dated 14.12.2018. He submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Islampur P.S. Case No. 373 of 2018 to the satisfaction of the learned Sessions Judge-cum-Special Judge, Excise, Nalanda at Biharsharif.

(Nilu Agrawal, J)

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