

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13427 of 2019

Arising Out of PS. Case No.-93 Year-2018 Thana- KASMA District- Aurangabad

SOHARAI CHOUDHARY, aged 35 years, Male, Son of Late Harihar Choudhary, R/o village- Khaira Firoj, P.S- Kasma, District- Aurangabad
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Tej Narayan Singh, Adv.
For the Opposite Party : Mr. Pranav Kumar, 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 31.12.2018 in connection with Kasma P.S. Case No. 93 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 information that the petitioner is selling mahua wine from his house, the police conducted a raid and in two jars five liters each of mahua wine was recovered from the house of the petitioner. The petitioner, along with other persons, who were in the house managed to flee away.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. The petitioner was not apprehended by the place on the spot and has been sufficiently punished as he is languishing in judicial custody since more than months. He undertakes to cooperate in the investigation, not to induce witnesses or tamper with the



prosecution evidence. He submits that although he has one more case of similar nature against him, but, that is pertaining to the year 2013 which could not be used for implicating the petitioner.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against him.

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 Kasma P.S. Case No. 93 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, subject to the condition that 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.

(Nilu Agrawal, J)

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