

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15024 of 2019

Arising Out of P.S Case No.-45 Year-2019 Thana- MALSALAMI District- Patna

VISHNU CHAUDHARY @ PETARIYA, Male aged about 30 years, Son of
Late Jaglal Chaudhary Resident of Village - Badi Nagla, P.S.- Malsalami,
Distt - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
31.01.2019 in connection with Special Case No.1142 of 2019
arising out of Malsalami P.S.Case No.45 of 2019 for the offence
alleged under Section 30(a) of the Bihar Prohibition & Excise
(Amendment) Act.

The prosecution case as lodged by the police
personnels is that during checking of vehicles they saw two
motorcycles ridden by two persons. On seeing the police, they
tried to flee away. One person fled away, the petitioner was
apprehended and from search of the two motorcycles in two jute
bags 95 litres of country made liquor was recovered.



Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that the seizure list has not been prepared in compliance of Section 100 of the Cr.P.C. as it has not been received by the petitioner and also does not ascertain as to what quantity of illicit liquor was recovered individually from the motorcycle of the petitioner which falsifies the prosecution story. Petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record as well as the period of custody, 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 Special Case No.1142 of 2019 arising out of Malsalami P.S.Case No.45 of 2019 to the satisfaction of learned Special Judge, Excise, Patna, 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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