

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16407 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- SIWAN CITY District- Siwan

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1. CHOTELAL PRASAD @ CHHOTELAL PRASAD, aged about 30 years, Male, S/o Late Jangbahadur Sah
 2. Anil Kumar, aged 25 years, Male, Son of Motilal Prasad, both are Residents of Village- Dakhin Tola, near Durga Temple, P.S.- Siwan Town, District- Siwan

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party : Mr. Rita Verma, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-03-2019 Heard the learned counsel for the petitioners and the learned counsel appearing for the State.

The petitioners are languishing in judicial custody since 05.01.2019 in connection with Siwan Town P.S. Case No. 13 of 2019 for the offences alleged under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information the semi constructed house of the petitioner no. 1 was raided and the petitioners were apprehended. On search from the house, 198.720 liters of Indian made foreign liquor was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that petitioner no. 2, who is the nephew of petitioner no. 1, bears no criminal antecedent and 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 stating therein that petitioner no. 1 does not bear a clean antecedent as two more cases, one of similar nature, is pending against him.

Considering the nature of allegations, period of custody and that charge sheet has already been submitted, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Siwan Town P.S. Case No. 13 of 2019 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan, subject to the following conditions :

(i) One of the bailors of each of the petitioners would be a close relative having sufficient immovable property, who will file an affidavit stating his/their relationship(s) with the petitioner(s).



(ii) If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his/their bail bond(s).

(Nilu Agrawal, J)

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