

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15473 of 2019**

Arising Out of P.S. Case No.-38 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Kishanganj

=====

AJAY PRASAD, aged about 40 years, Male, Son of Late Ram Ishwar Prasad  
R/o village- Khagra Bazar Ward No. 32, P.S.- Kishanganj, District-  
Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate  
For the Opposite Party/s : Mr.Murli Dhar, APP

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      15-03-2019                      Heard the learned counsel for the petitioner and  
  
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since  
28.01.2019 in connection with Special Case No.38 of 2019 for  
the offence alleged under Section 30(a) of the Bihar Prohibition  
and Excise Act, 2016.

The prosecution case as lodged by the Excise  
Officials is that a raid was conducted in the house of the  
petitioner and from the veranda in a plastic jar, 12 litres of  
country made wine was recovered. Accordingly a seizure list  
was prepared.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and has falsely been implicated in  
the aforesaid case. He submits that he has been sufficiently  
punished and is languishing in judicial custody since nearly two



months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more cases for similar offence is pending against him.

Considering the nature of allegations and 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.38 of 2019 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Kishanganj, subject to the following conditions:-

(i) 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.

(ii) 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)**

B.Kr./-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

