

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16447 of 2019

Arising Out of P.S. Case No.-449 Year-2017 Thana- TEKARI District- Gaya

ANISH KUMAR @ ANISH KUMAR SINGH (Male), aged about-22 years,
Son of Vinay Singh @ Ramvinay Sharma Resident of Village - Kusap, PS-
Tekari and Distt - Gaya.

... .. 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.Pushpa Sinha.1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
31.10.2018 in connection with Tekari P.S.Case No.449 of 2017
for the offence alleged under Sections 272, 273 and 120(B) of
the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that one Surendra
Sharma @ Butani is trading in illicit liquor, the police
conducted a raid and recovered one abandoned four-wheeler. On
search from the vehicle, 135 liters of Indian Made Foreign
liquor was recovered. Thereafter, the house of Surendra Sharma



@ Butani and Suraj Sharma was searched, but they managed to flee away.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case only on suspicion. He submits that nothing has been recovered from his conscious possession. He was not even present at the place of occurrence and that one of the co-accused on similar allegation has been granted the privilege of bail by a coordinate Bench of this Court in Cr.Misc.No.75637 of 2018 dated 17.12.2018. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence.

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 case of 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 Tekari P.S.Case No.449 of 2017 to the satisfaction of learned Special Judge, Excise, Gaya, subject to the conditions 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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