

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24214 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- KURSAKANTA District- Araria

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FAGU SADA, aged about 30 years, Male, S/O Lal Mohar Sada, R/o Village-
Mehdipr, Maigara, P.S.- Kursakanta, District- Araria ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Kundan Kumar Singh, Adv.
For the Opposite Party : Mr. Nand Kishore Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Excise
Special Case No. 226 of 2019 arising out of Kurshakanta P.S.
Case No. 48 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 police
personnel, is that the petitioner was apprehended near the Indo-
Nepal border by the Excise Officials with a bag containing 27
liters of Nepali Saufi wine. Accordingly, a seizure memo was
prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and
nothing has been recovered from his conscious possession and
he has been sufficiently punished as he is languishing in judicial



custody since 15.02.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear a criminal antecedent, as stated in paragraph 3 of the present application, 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 Excise Special Case No. 226 of 2019 arising out of Kurshakanta P.S. Case No. 48 of 2019 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Araria, or the successor Court, 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)

Shamshad/-

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