

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25989 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- MANJHI District- Saran

MD. DANISH, Male, aged about 22 years, Son of Md. Hashim Resident of
Village-Anant Mirzapur, P.S-Dighwara, District-Saran at Chapra

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Tej Pratap Singh, Adv.

For the Opposite Party : Mr. Madan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 07-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
28.02.2019 in connection with Manjhi P.S. Case No. 45 of 2019
for the offences alleged under Sections 30, 30(g) and 38(i)(ii) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during the anti prohibition drive the Scorpio
vehicle was intercepted and while one accused managed to flee
away, the petitioner was apprehended on the spot. On search,
from the Scorpio vehicle 420 liters of beer 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,
nothing has been recovered from his conscious possession and
he is languishing in judicial custody since more than two
months.



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

Considering the nature of allegations, the materials on record and that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail, **on completion of investigation**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Manjhi P.S. Case No. 45 of 2019 to the satisfaction of the learned Additional District Judge, VI, Saran at Chapra, or the successor Court, 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)

Shamshad/-

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