

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25752 of 2019

Arising Out of PS. Case No.-81 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

1. PHOOL CHAND SHAH, aged about 28 years, Male, Son of Sudama Shah Resident of Village - Pal Nagar Pakdi, P.S.- Mahadeva O.P., Distt - Siwan
2. Raj Kumar Chaurasia, aged about 19 years, Male, Son of Late Chandeshwar Chaurasia Resident of Village - Din Dayalpur, P.S.- G.B. Nagar Takhora, Distt - Siwan

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Mukesh Kumar, Adv.

For the Opposite Party : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the State.

The petitioners are languishing in judicial custody since 19.02.2019 in connection with Muffasil (Mahadeva) P.S. Case No. 81 of 2019 for the offences alleged under Sections 272, 273, 413, 414, 420, 467 and 471 of the Indian Penal Code and under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during night patrolling duty they intercepted one motorcycle and one Bolero jeep and the petitioners were apprehended from the motorcycle whereas one Pintu Kumar Choudhary @ Sonu was apprehended from the Bolero jeep



while co-accused, Jhun Jhun @ Ranjit Chauhan managed to flee away from the Bolero vehicle. On search, from the Bolero jeep huge quantity of illicit foreign liquor was recovered and from the motorcycle 17.250 liters of illicit 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, bear no criminal antecedent and have been falsely implicated in the aforesaid case. He submits that the petitioners are languishing in judicial custody since more than two months and undertake to cooperate in the investigation, not to tamper with the prosecution evidence.

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

Considering the nature of allegations, the materials on record as well as that the petitioners do not bear any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Muffasil (Mahadeva) P.S. Case No. 81 of 2019 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge (Excise Act), Siwan, or the successor Court,



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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