

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25697 of 2019

Arising Out of PS. Case No.-69 Year-2019 Thana- GAUTAMBUDHNAGAR District- Siwan

RAJESH PRASAD, Male, aged 32 years, Son of Late Shivji Prasad, Resident
of Village-Bujurg, P.S.-G.B.Nagar, District-Siwan ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Adv.
For the Opposite Party : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2019 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
12.03.2019 in connection with G.B. Nagar P.S. Case No. 69 of
2019 for the offence alleged under Section 37(B)(C) of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that one person in an
intoxicated condition has indulged in abuse and creating
nuisance in the market place, the police reached the place and
apprehended the petitioner, who was found in intoxicated
condition, which was confirmed through the breath analyzer.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has not committed any offence.
He submits that he is languishing in judicial custody since more



than one month and has been sufficiently punished.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that that the petitioner does not bear a clean antecedent and is involved in one more case of similar nature.

Considering the nature of allegations and the materials on record, 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 G.B. Nagar P.S. Case No. 69 of 2019 to the satisfaction of the learned Additional Sessions Judge, II, Siwan, 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)

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