

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.24036 of 2019

Arising Out of PS. Case No.-77 Year-2019 Thana- KHAIRA District- Saran

MUKESH PASWAN, aged about 35 years, Male, Son of Shivchan Manjhi,
Resident of Village-Nagra, Police Station-Khaira, District-Saran (Chapra)
... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Prem Sheela Pandey, Adv.
For the Opposite Party : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-04-2019 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
17.03.2019 in connection with Khaira (Nagra O.P.) P.S. Case No.
77 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 informant police
personnel, is that on secret information the petitioner had stored
huge quantity of illicit liquor in his house for Holi festival, the
police conducted a raid and the petitioner was apprehended while
trying to flee away. On search, from the house 750 liters of Indian
made foreign liquor 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 history and has
been falsely implicated in the aforesaid case. He submits that he
has been punished enough and the house was a joint family
property.

However, the learned Additional Public Prosecutor for



the State opposes the prayer for bail.

Considering the nature of allegations and that the 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 Khaira (Nagra O.P.) P.S. Case No. 77 of 2019 to the satisfaction of the learned Additional District & Sessions Judge IX-cum-Special Judge, Excise Act, Saran, 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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