

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29304 of 2019

Arising Out of PS. Case No.-209 Year-2019 Thana- AGAMKUAN District- Patna

AWADHESH KUMAR Son of Shri Chandeshwar Chaudhary Resident of
Village- Chhitkaiya, P.S.- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
01.03.2019 in connection with Special Case No. 2252 of 2019
arising out of Agamkuan P.S. Case No. 209 of 2019 for offences
punishable under Sections 272, 273 of the Indian Penal Code
and Sections 3(a)/37(a)(b)(c) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that on Kumhrar Musahari Tola, a raid was
conducted at three places and more than 22 persons were
apprehended from different places. The petitioner was
apprehended in an intoxicated condition and 100 litres of
country made Mahua wine was recovered from different places.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that illicit liquor has not been recovered from his conscious possession and allegation is that the petitioner was found in an intoxicated condition but has not been affirmed either through any forensic examination but only by breath analyzer and he is languishing in judicial custody since more than two months.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations, period of custody and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Special Case No. 2252 of 2019 arising out of Agamkuan P.S. Case No. 209 of 2019.

(Nilu Agrawal, J)

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