

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25789 of 2019

Arising Out of PS. Case No.-87 Year-2019 Thana- TEGHRHA District- Begusarai

1. PINTU KUMAR GAUTAM, aged about 35 years, Son of Binod Roy
2. Rajiv Ranjan Kumar @ Rajiv Kumar @ Rajiv Ranjan, Male, aged about 19 years, Son of Bipin Kumar Mishara, both are Residents of Village- Gaura, P.S.- Teghra, District- Begusarai.

... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party : Mr. Surendra Prasad Singh, 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 11.03.2019 in connection with Teghra P.S. Case No. 87 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 police personnel, is that on secret information the petitioners were apprehended riding in the motorcycle, who revealed that in the ALTO Car, behind, illicit liquor was being carried. On search, from the ALTO Car 54 liters of illicit liquor was recovered. However, on search, from the possession of the petitioner only mobile was recovered, who revealed that they are also trading in illicit liquor. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioners that they are innocent, petitioner no. 1 bears no criminal history whereas three cases, under the Excise Act, are pending against petitioner no. 2, which has been falsely lodged against him and in all the three cases he is on bail. It is, further, submitted that the illicit liquor has not been recovered from the possession of the petitioners or from the motorcycle and the confessional statement of the petitioners before the police has no evidentiary value in the eye of law.

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

Considering the nature of allegations, the period of custody and that nothing has been recovered from the conscious possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Teghra P.S. Case No. 87 of 2019 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Begusarai, 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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