

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26182 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- KURSAKANTA District- Araria

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LALIT SADA, aged about 27 years, Male, Son of Mahavir Sada @ Mahavir Rishidev, Resident of village- Pagdera, P.S.- Sonamani Godam, Kursakanta, District- Araria ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

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Appearance :

For the Petitioner : Mr. Mrigendra Kumar, Adv.
For the Opposite Party : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 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 10.03.2019 in connection with Special Case No. 348 of 2019 arising out of Kursakanta (Sonamani Godam) P.S. Case No. 67 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 Sashastra Seema Bal officials, is that on secret information a raid was conducted and the petitioner along with other co-accused were apprehended from the door of co-accused, Sanjeet Sada and Mahendra Sada, and 10 cartons of Nepali Saufi wine was recovered from the house of the petitioner. 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 it is



not stated as to from where the Nepali Saufi wine was recovered whether from the possession of the petitioner or from the house of the petitioner which is not specific in the first information report nor the quantity has been specified in the seizure list with regard to the recovery made from the petitioner. He submits that the allegations are vague, general and omnibus and not specific against the petitioner. He, further, submits that two of the co-accused apprehended along with the petitioner have since been granted the privilege of bail by this Court in Cr. Misc. No. 26086 of 2019, dated 07.05.2019.

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

Considering the nature of allegations and that the petitioner does not bear any 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 Special Case No. 348 of 2019 arising out of Kursakanta (Sonamani godam) P.S. Case No. 67 of 2019 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Araria, 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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