

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25740 of 2019

Arising Out of PS. Case No.-64 Year-2019 Thana- NARHATT District- Nawada

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ASHOK RAJVANSHI, aged about 19 years, Male, Son of Bundi Rajvanshi
Resident of Village - Hemja Bharat, P.S.- Sirdala, Distt – Nawada
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Krishna Deo Raj, Adv.

For the Opposite Party : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 30-04-2019 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
10.03.2019 in connection with Narhat P.S. Case No. 64 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 while on patrolling duty he received secret
information that illicit liquor is being carried in the motorcycle,
the police intercepted the motorcycle and apprehended the
petitioner. From the motorcycle 35 liters of mahua wine 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, nothing
has been recovered from his conscious possession and there is



no compliance of Section 100(4) of the Criminal Procedure Code as the seizure list was not handed over to the petitioner although he was apprehended by the police.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that huge quantity of illicit liquor was recovered from the motorcycle.

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 Narhat P.S. Case No. 64 of 2019 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise, Nawada, or the successor Court, subject to the condition that 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.

(Nilu Agrawal, J)

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