

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25699 of 2019

Arising Out of PS. Case No.-439 Year-2018 Thana- MUFFASIL District- West Champaran

SANTOSH PASI, Male, aged about 31 years, Son of Ramchandra Pasi,
Resident of Village - Gurwaliya Shivala Tola, P.S.- Manuapul, Distt.- West
Champaran ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party : Mr. Asha Devi, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-04-2019 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
08.01.2019 in connection with Bettiah Muffasil (Manuapul) P.S.
Case No. 439 of 2018 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 that some persons are
dealing in illicit liquor, the police conducted a raid and in the
house of the petitioner 2 liters of country made liquor and 500
liters of unfinished country made liquor were recovered. The
unfinished illicit liquor was destroyed. In the locality illicit
liquor and unfinished country made liquor was recovered which
belonged to two other co-accused.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and is
languishing in judicial custody since more than two months. He
submits that other co-accused have already been granted pre-



arrest bail and that Charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses/evidence.

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 Bettiah Muffasil (Manuapul) P.S. Case No. 439 of 2018 to the satisfaction of the learned Special Judge, Excise, West Champaran at Bettiah, 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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