

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.25657 of 2019

Arising Out of PS. Case No.-175 Year-2019 Thana- PATRAKARNAGAR District- Patna

SHAILENDRA PRASAD SINGH, Male, aged about 75 years, Son of Late Chandeshwar Prasad Singh, Resident of Mohalla-Munnachak Chitragupta Nagar, P.S.-Patrakar Nagar, District-Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Gauri Shankar Prasad, Adv.

For the Opposite Party : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 23-04-2019

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 13.03.2019 in connection with Special Case No. 2729 of 2019 arising out of Patrakarnagar P.S. Case No. 175 of 2019 for the offences alleged under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that on secret information that in the house of the petitioner huge quantity of illicit liquor was stored, the police conducted a raid and the petitioner informed that the room was given to one Surendra Choudhary. On search, from the room given on rent to Surendra Choudhary, huge quantity of illicit foreign liquor 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 antecedent, the house of the petitioner was given on rent to the other co-accused and students as hostel and he was not aware that illicit liquor was concealed in the



room. The petitioner does not bear a criminal antecedent and nothing has been recovered from the conscious possession of the petitioner.

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. 2729 of 2019 arising out of Patrakarnagar P.S. Case No. 175 of 2019 to the satisfaction of the learned Special Judge, Excise, Patna, 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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