

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25776 of 2019

Arising Out of PS. Case No.-297 Year-2018 Thana- SHIVSAGAR District- Rohtas

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BRIJ BHAR @ BRIJ BHAR KUMAR, aged about 22 years, Male, Son of
Deva Nand Ray @ Hira Ram, Resident of Bauliya Road, Chunna Bhatta
behind of Nishant Cinema Police Station-Sasaram (Town), District-Rohtas
... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Arvind Kumar Pandey, Adv.

For the Opposite Party : Mr. Shaheen Begum, 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
07.03.2019 in connection with Shiv Sagar P.S. Case No. 297 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 huge quantity of
illicit liquor is being carried in a three wheeler, the police
intercepted the three wheeler and apprehended four accused.
Co-accused, Sunil Kumar, revealed the name of the petitioner
who had fled away. On search of the three wheeler, 56 liters of
illicit liquor was recovered. Accordingly, a seizure list was
prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent and has been falsely implicated in



the aforesaid case. He submits that the seizure list has not been prepared in compliance of Section 100(4) of the Criminal Procedure Code as the copy of the seizure list has not been given to the apprehended co-accused and that nothing has been recovered from the conscious possession of the petitioner, who is languishing in judicial custody since more than one month.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as one more case of similar nature is pending against him.

Considering the nature of allegations, the materials on record as well as the fact that the petitioner was not apprehended with illicit liquor, 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 Shiv Sagar P.S. Case No. 297 of 2018 to the satisfaction of the learned Additional District & Sessions Judge II-cum-Special Judge, Excise, Rohtas at Sasaram, 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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