

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29724 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- PURUSHOTTAMPUR District- West
Champaran

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MAZMULLAH DEWAN Son of Mehadi Dewan, Resident of Village-
Paschimi Pakuhawa, P.S- Mainatar, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Dilip Kumar No. 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.12.2018 in connection with Purshottampur P.S. Case No. 42
of 2018 for offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that the petitioner was apprehended with 34.500
litres of Nepali Saufi wine in his motorcycle along with another
person. 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 nothing has been recovered from his conscious possession, charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses and the petitioner is languishing in judicial custody since nearly five months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and two more cases of similar nature are pending against him.

Considering the nature of allegations, period of custody and that the charge-sheet has already been submitted, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Bettiah, West Champaran in connection with Purshottampur P.S. Case No. 42 of 2018 subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) 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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