

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30115 of 2019

Arising Out of PS. Case No.-63 Year-2019 Thana- SAHPUR District- Bhojpur

PRAKASH KUMAR CHOUDHARY, aged about 35 years, Male, Son of
Ram Das Choudhary Resident of Village- Varauli, Police Station-Shahpur,
District- Bhojpur ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Adv.
For the Opposite Party : Mr. Meena Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Excise
Case No. 579 of 2019 arising out of Shapur P.S. Case No. 63 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 petitioner was apprehended from a motorcycle
and, on search, from the bag 1.260 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 he is languishing in judicial
custody since 25.03.2019 and has been sufficiently punished.

However, the learned Additional Public Prosecutor for



the State opposes the prayer for bail stating therein that petitioner was apprehended during raid on 19.03.2019 and while being brought to the Court managed to escape, thereafter, he was arrested on 25.03.2019. It is, further, submitted that the petitioner does not bear a clean antecedent and one more case is pending against him although the counsel for the petitioner submits that said case is of the same date.

Considering the nature of allegations and the materials on record, 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 Excise Case No. 579 of 2019 arising out of Shapur P.S. Case No. 63 of 2019 to the satisfaction of the learned Additional District Judge IV-cum-Special Judge, Excise Act, Bhojpur at Ara, 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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