

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70242 of 2019

Arising Out of PS. Case No.-328 Year-2019 Thana- BARHARIA District- Siwan

Luxman Prasad @ Lakshaman Shah S/o Ramchandra Shah @ Ramchandra Prasad, R/o Village- Gausi Hata (Dhum Nagar), P.S.- Barharia, District- Siwan.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Barharia P.S. Case No. 328 of 2019 registered for the offences punishable under Sections 272, 273, 308 of the Indian Penal Code and Section 30(a), 41(i) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and nothing has been recovered from the possession of the petitioner, it was made from the back side of Bathan of the petitioner. The petitioner is in custody since 16.10.2019.

Learned A.P.P. for the State has opposed the prayer for



bail.

Considering the facts and circumstances of the case, wherein it is found from the records that there is an allegation of recovery of 21 liters of illicit liquor from the backyard of the house of the petitioner, the petitioner is in custody since 16.10.2019 as he was taken on remand in this case after his arrest in Barharia P.S. Case No. 271 of 2019, let the petitioner above named be released on bail on completion of investigation or on 16th January, 2020, whichever ever is earlier in connection with Barharia P.S. Case No. 328 of 2019 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Siwan, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any police officer or
tamper with the evidence.

(Rajeev Ranjan Prasad, J)

vats/ved

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