

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26758 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -GAURICHAK District- PATNA

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1. Awdhesh Kumar @ Bideshi Son of Sri Shankar Saw Gupta, R/o Village-
Hander Mushahari, Police Station- Gaurichak, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Prasad

For the Opposite Party/s : Mr. Sri Madan Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 30-06-2017 Heard the parties.

The petitioner seeks regular bail in connection with
Gaurichak P.S.Case No.73 of 2017, registered for offences
punishable under Sections 30(a) of Bihar Excise Act.

Allegation against the petitioner, as per F.I.R. is that the
police raided his house and at his instance 250 ltrs. of foreign
liquor have been recovered besides the '*Pulia*'.

It is submitted on behalf of the petitioner that he has been
falsely implicated in this case as the petitioner had lodged a case
against the police officials prior to lodging of this case on
29.3.2014, as such he has been made accused in this case and
further falsity will appear from the fact that recovery is not from
his house rather from one '*Pulia*' of the petitioner. The petitioner
is in custody for about three months and earlier he was not
accused in such type of cases.



Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, as well as the fact that he had lodged a case against the police officials and thereafter the present case has been lodged, as such, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of Addl. District & Sessions Judge-VIII, Patna in connection with Gaurichak P.S.Case No.73 of 2017.

With following conditions :

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall co-operate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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