

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8580 of 2019

Arising Out of PS. Case No.-13 Year-2018 Thana- NTPC KHAIRA District- Aurangabad

GOLU KUMAR, aged about 18 years, (M) Son of Shri Basant singh
Resident of Village - Gaura, P.s.- Madanpur, Distt.- Aurangabad, A./P
Niranjan Bigha, P.s.- Intrapuri, Distt.- Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma
For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 11-03-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **N.T.P.C. Khaira P.S. Case No. 13 of 2018** registered for the offence punishable under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act.

Allegation is of recovery of total 348 litre illicit liquor from a Hyundai car in presence of two independent witnesses. The car was lying in abandon condition. Allegation against petitioner is that he is the owner of the said car.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. Nothing has been recovered from his possession. He is not named FIR. He is in custody since 29.10.2018.



Considering the fact that petitioner has one criminal antecedent of similar nature, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completing six months of jail custody by the court below** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Sessions Judge, VII-cum-Special Judge (Excise), Aurangabad**, in connection with **N.T.P.C. Khaira P.S. Case No. 13 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for
cancellation of bail of the petitioner.

(4) If the petitioner is found involved in
similar nature of offence, after his release on bail,
the trial court shall take steps to cancel his bail
bond.

(S. Kumar, J)

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