

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12998 of 2019

Arising Out of P.S. Case No.-458 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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BAMBAM KUMAR, aged about 25 years (Male), son of Ram Pravesh Singh
@ Rampravesh Sinha, resident of village-Chhotaki Nawada, P.S. Delha,
District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody
since 15.12.2018 in connection with Excise Case No.458 of
2018 for the offence alleged under Sections 30(a) and 56(b) of
the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the police
personnel is that along with Excise Officials on secret
information they intercepted a Mahendra pick-up van and from
the back side 480 litres of country made wine was recovered.
Petitioner is alleged to be the driver of the said vehicle.
Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal antecedent and was just the driver of the Bolero vehicle and did not know that illicit liquor was concealed in the said vehicle. He submits that nothing has been recovered from his conscious possession and he undertakes to cooperate in the investigation, not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating that huge quantity of illicit liquor was recovered from the vehicle which was being driven by the petitioner.

Considering the nature of allegations and the materials on record, let the petitioner, above named be released on bail on completion of four months in custody, 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.458 of 2018 to the satisfaction of learned Special Judge, Excise, Gaya, subject to the following conditions:-

(i) 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.

(ii) 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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