

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12597 of 2019

Arising Out of PS. Case No.-250 Year-2018 Thana- BHAGWANPUR District- Begusarai

GURPENDRA SINGH Son of Harjeet Singh Resident of Village - Dabra,
P.S.- Pichhaur, District- Gwalior (Madhya Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
01.12.2018 in connection with Bhagwanpur P.S. Case No. 250
of 2018 for offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information while vehicles were
being checked they intercepted a truck and on search 4263 litres
of Indian made foreign liquor was recovered. Petitioner was the
driver who revealed the name of four others involved in the said
trade of illicit liquor. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, was just



a driver of the vehicle and has been falsely implicated in the aforesaid case. He is not the resident of Bihar, he did not know that under the wheat flour bags illicit liquor was being concealed. Petitioner undertakes to cooperate in the investigation and not to induce witnesses or tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail stating therein that huge quantity of illicit liquor was found in the truck which was being driven by the petitioner, who has also stated his involvement in the said carriage of illicit liquor and has also named four other persons involved in the said trade.

Considering the facts and circumstances, the nature of allegations and the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge- IInd cum Special Judge (Excise), Begusarai, in connection with Bhagwanpur P.S. Case No. 250 of 2018, subject to the following conditions :

1. 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.

2. 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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