

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15045 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- BARACHATTI District- Gaya

GOVINDA KUMAR, aged about 19 years, Male, Son of Payarchand Sharma,
Present R/o Nayamore, behind Arun Singh's Arra Machine, P.S.- City,
District- Bokaro, Permanent Address- Village- Sisai, P.S.- Goriya Kothi,
District- Siwan ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Adv.
For the Opposite Party : Mr. Gulnar Begum, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner seeks bail in connection with
Barachatti P.S. Case No. 41 of 2019 for the offences alleged
under Sections 30(a), 38 and 47 of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that during vehicle checking they found a Bolero
jeep on the road and while trying to stop the vehicle, two
persons tried to flee away on which the petitioner was
apprehended. On search, from the Bolero vehicle 232.920 liters
of Indian made foreign liquor was recovered and the petitioner
confessed that the co-accused, Vikas Sonar, who had fled away,
was the driver and he was given Rs.2,000/- to take the said illicit
liquor to its destination. 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 and has been falsely implicated in the aforesaid case. He submits that he was not the driver of the vehicle and the confessional statement before the police, which has no evidentiary value in the eye of law rather he was going for bringing some medicines for his ailing mother and has been arrested and is languishing in judicial custody since 02.02.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the nature of allegations, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Barachatti P.S. Case No. 41 of 2019 to the satisfaction of the 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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