

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.22933 of 2019

Arising Out of PS. Case No.-42 Year-2019 Thana- RAJAON District- Banka

GUNJAN KUMAR, Male, aged about 21 years, Son of Kailash Rawat @
Kailash Mandal Resident of Village- Jakha, P.S.- Dhoraiya, District- Banka
... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with Rajoun P.S.
Case No. 42 of 2019 for the offences alleged under Sections 30(a), 32
(ii) and 41 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant police
personnel, is that during vehicle checking a vehicle bearing
registration no. BR 10AA 4523 turned and started moving in the other
direction, but, was intercepted. The driver and other persons, sitting
in the car, fled away. On search, from the car 170 liters of illicit
liquor was recovered. 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, not named
in the first information report, he was just a driver of the said vehicle,
has himself surrendered and is languishing in judicial custody since
04.02.2019. It is, further, submitted that he is not the owner of



the vehicle and being the driver did not know that illicit liquor was concealed in the vehicle.

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

Considering the nature of allegations and the materials on record as well as the fact that the petitioner does not bear any criminal antecedent, as stated in paragraph 3 of the present application, 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 Rajoun P.S. Case No. 42 of 2019 to the satisfaction of the learned Additional Sessions Judge, II, Banka, or the successor Court subject to the condition that 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.

(Nilu Agrawal, J)

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