

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20946 of 2019

Arising Out of PS. Case No.-517 Year-2018 Thana- BARAUNI District- Begusarai

GAURABH KUMAR @ GAURABH SINGH Son of Late Muneshwar Ray
@ Maheshwar Ray Resident of Village - Baro, Salempur Tola, Ward no. 9,
P.S.- Barauni (Garhara O.P.), District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
06.03.2019 in connection with Barauni (Garhara O.P.) P.S. Case
No. 517 of 2018 for offences punishable under Sections 30,
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information a raid was conducted in
the semi-constructed shop of co-accused Rakesh Kumar @
Chhotu and from the shop 3206 litres of Indian made foreign
liquor was recovered. The apprehended co-accused Rakesh
Kumar revealed the name of his associates including the
petitioner, who were also engaged in 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 and has been falsely implicated in the aforesaid case. He submits that only on suspicion he has been made accused, not apprehended on the spot and nothing has been recovered from his conscious possession. It is further submitted that the co-accused, from whose shop illicit liquor was recovered, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 1005 of 2019 vide order dated 06.02.2019 and one of the associates named by the apprehended co-accused has also been granted the privilege of bail in Cr. Misc. No. 7850 of 2019 vide order dated 13.02.2019. Petitioner undertakes to cooperate in the investigation and not to induce witnesses or tamper with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case on similar allegation is pending against him.

Considering the nature of allegations and that other co-accused have been granted the privilege of bail, 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-II cum Special Judge (Excise Act), Begusarai, in connection with Barauni (Garhara O.P.) P.S. Case No. 517 of 2018, 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)

Rajesh/-

U		T	
---	--	---	--

