

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33917 of 2019

Arising Out of PS. Case No.-164 Year-2019 Thana- PATNA CITY CHOWK District- Patna

Gaurav Kumar Son of Ramesh Chaudhary, Resident of Village - Tulsi Mandi
Khajuue Vani, Guljarbag, P.S.- Alamganj, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Jay Ram Prasad, Advocate

For the Opposite Party : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 23-05-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks bail in connection with Special
Case No.3884 of 2019 arising out of Chowk P.S. Case No.164
of 2019 registered under Sections 272 and 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act Act, 2016.

It is submitted by the learned counsel for the
petitioner that the alleged recovery of about 61.96 liters illicit
liquor was not from the physical possession of the petitioner.



The seizure list itself would show that the petitioner has been framed in this case by the police in a highhanded manner. The alleged time of search and seizure is at 06.16 p.m. on 15.04.2019 and the FIR has been instituted on 15.04.2019 at 07.00 p.m. in the police station, but the seizure list contains the police station case number. It is further contended that no other case of Excise Act is ever instituted against the petitioner.

Considering the submissions made above, the period of more than one month spent by the petitioner in custody and the willingness expressed by the petitioner to furnish sureties and bonds to the satisfaction of the court, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No.3884 of 2019 arising out of Chowk P.S. Case No.164 of 2019 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case



so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

Md. S/-

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