

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36278 of 2019**

Arising Out of PS. Case No.-40 Year-2019 Thana- AMBA District-
Aurangabad

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GAUTAM KUMAR, male, aged about 20 years, Son of Bhichchan Yadav @
Bhichhan Singh Resident of Village - Fatcha, P.S.- Obra, Distt - Aurangabad.
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mrs. Leelawati Kumari, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 11-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 25.04.2019 in connection with Amba P.S. Case No. 40 of 2019 for the offences alleged under Sections 30(a) of the Bihar Prohibition of Excise Act, 2018.

3. It is submitted that the petitioner has been falsely implicated in connection with the alleged recovery of 1100 pouches of 200 ml each from the tempo bearing Registration No. BR26C 2337 merely because he happens to be the owner-cum-driver of the said tempo. The seizure list does not contain the signature of any independent witness nor complies with the requirements of Section 100 Cr. P.C. which creates considerable doubt about the veracity of the prosecution story . The petitioner claims clean antecedents.



4. Be that as it may, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad in connection with Amba P.S. Case No. 40 of 2019, on the following conditions-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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