

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65632 of 2019

Arising Out of PS. Case No.-250 Year-2019 Thana- RAJNAGAR District- Madhubani

GAURAV KUMAR Son of Anil Nayak @ Anil Kumar Nayak Resident of
Village - Laheriyaganj Ward No. 1, P.S. - Madhubani, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case as lodged by the police personnel is that on secret information that some miscreants namely Pankaj Kumar with others unloaded illegal wine from his car then the police party reached at the said place and four miscreants on seeing the police jeep tried to flee away but the police party caught them. The police party seized six bora at the middle seat under the car and 4 bora under dickky then searched the bora by the police and seized 173.775 liters illegal wine and



seizure list prepared in presence of two witnesses.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather it is recovered from the Brezza car. He submits that other co-accused have been granted the privilege of bail vide order dated 16.10.2019 in Cr. Misc. No. 65824 of 2019. He further submits that petitioner has three criminal antecedent of similar nature as stated in para-3 of the bail petition in which he has been granted bail by the learned court below itself. Petitioner is languishing in judicial custody since 12.09.2019.

In the facts and circumstances of the case, 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 to the satisfaction of the learned A.D.J.-II, cum-Special Judge Excise, Madhubani in connection with Rajnagar P.S. Case No. 250 of 2019, G.R. No. 1722 of 2019, subject to the conditions:

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(III) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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