

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70820 of 2019

Arising Out of PS. Case No.-88 Year-2019 Thana- KADAMKUAN District- Patna

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GUDDU KUMAR @ RAJEEV KUMAR Son of Ramekbal Singh Resident of
Village - Rajendra Nagar, Road No.3, P.S.- Kadam Kuan, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Neerad Parashar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 20-11-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 88 of 2019 dated 4.2.2019, registered at Police Station Kadamkuan under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is alleged by the prosecution that on a raid conducted 47 litres of wine was recovered from a car parked near Maya Medicals and the two persons sitting therein fled while trying to flee away were caught.

It is submitted on behalf of the petitioner that



petitioner has no connection with the seized wine nor he is the owner of the vehicle. Prima facie also it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; and is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence, as also that he is behind bars since 16.10.2019. At this stage petitioner is not required for investigation.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of Special Judge (Excise) Act, Patna in connection with Kadamkuan P.S. Case No.88 of 2019, on the following conditions:-

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

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

(iii) 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 bonds shall be liable to be cancelled by the learned court concerned.

(iv) 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.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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