

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62662 of 2019**

Arising Out of PS. Case No.-93 Year-2019 Thana- HULASGANJ District- Jehanabad

GAURAV KUMAR @ GIRJESH KUMAR @ GIRIJESH KUMAR Son of
Kishori Sharma @ Awadh Kishore Sharma Resident of Village - Ginjee, P.S.-
Ghoshi, Dist.- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Rajendra Singh

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

6 29-06-2020 The matter has been taken up through virtual court proceeding.

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018.

The prosecution case, as per the self statement of Dhirendra Kumar Singh, S.I.-cum-S.H.O., Hulasganj Police Station, recorded on 13.07.2019 at about 5 A.M., is to the effect that on 12.07.2019 at about 8.30 P.M., the informant received a confidential information that on Banbariya Hill, near cabin of Babu Singh @ Rausan, certain people are doing trade of illicit



liquor, consequently, raid was laid and from the cabin, total 2597.76 litres of Indian Made Foreign Liquor were recovered. It is alleged that on seeing the police, the petitioner escaped from the place of seizure.

It is submitted by learned counsel for the petitioner that the land, from which recovery has been made, does not belong to the petitioner. Only on the basis of suspicion, the petitioner has maliciously been roped in the present case. It is further submitted that similarly situated co-accused Nivas Sharma and Dheeraj Sharma have been granted bail by a Co-ordinate bench of this Court, vide order dated 27.11.2019, passed in Cr. Misc. No. 68880 of 2019. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in six other cases, in which he is on bail.

Learned APP submits that on seeing the police, the petitioner escaped from the place of seizure.

Considering the fact that recovery has been made from the land and cabin of co-accused person and similarly situated co-accused persons have been granted bail by a Co-ordinate bench of this Court, let the petitioner above named be released on anticipatory bail for the present provisionally for a period of three months on his surrender or arrested before the



learned Court below within a period of three weeks on furnishing one surety to the satisfaction of the learned Additional Sessions Judge-II, Jehanabad in connection with Hulasganj P.S. Case No. 93 of 2019 giving rise to Excise Case No. 931 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties including one surety given at the time of provisional bail of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jehanabad in connection with Hulasganj P.S. Case No. 93 of 2019 giving rise to Excise Case No. 931 of 2019.

The learned Court below will be at liberty to extend the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.



The learned Court below will be at liberty to cancel the bail bonds of the petitioner if he substantially gets involved in similar nature of offence.

(Dinesh Kumar Singh, J)

Amrendra/-

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