

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85454 of 2019

Arising Out of PS. Case No.-539 Year-2019 Thana- GAYA KOTWALI District- Gaya

Gaurav Kumar S/o Kamta Prasad R/o Mohalla- Bageshwari Gumati, Loco
Colony, P.S.- Delha, District- Gaya

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-01-2020 Heard learned Counsel for the petitioners and the
learned APP for the State.

The petitioner seeks bail in Kotwali PS Case No.
539 of 2019 registered under Sections 30(a) and 37(2) of Bihar
Prohibition and Excise Act, 2016.

The prosecution case alleges recovery of 363 litres
of liquor from the bushes besides the railway track.

It is submitted by petitioner's Counsel that the
place from where recovery is alleged to have been made was
having general public access. Petitioner being bonafide passer
by has been falsely implicated in this case. There is no
compliance of the procedure under Section 100 Cr.P.C.
Petitioner has no criminal antecedent and he is in custody since
21.11.2019.

Learned APP has opposed the prayer for bail.

Considering the rival submission the petitioner's
prayer for bail is allowed.

Having regard to the aforesaid submissions the



petitioner's prayer for bail is allowed. Let the petitioner above named be released on bail on his furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Gaya in Kotwali PS Case No. 539 of 2019 on the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

