

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28805 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- MATIHANI District- Begusarai

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Gautam Kumar @ Gautam Singh S/O Ram Uday Singh R/O Village Sinhma,
P.S Matihani, District-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 10-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Matihani P.S. Case No. 88 of 2020, registered for the offence under Section 120(B) of the I.P.C. and Section 30(a)/32 of Bihar Prohibition and Excise Act.

As per the prosecution case, a pick-up van was intercepted by the police and driver of the vehicle succeeded in fleeing away and on search of the said pick-up van, 900 liters of illicit liquor was recovered and it is alleged that petitioner alongwith other accused persons brought the aforesaid liquor.

It is submitted on behalf of petitioner that nothing has been recovered from the conscious possession of the petitioner. Petitioner is neither owner nor driver of the seized pick-up van and has been made accused only on the basis of so called confidential information. Petitioner is in custody since 08.02.2021.



Learned A.P.P. for the State has opposed the bail petition.

Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise Act, Begusarai in connection with Matihani P.S. Case No. 88 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

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

(Prabhat Kumar Singh, J.)

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