

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2274 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

=====

GAURAV KUMAR Son of Baiju Ram @ Baiju Raut Resident of Village-
Shrirampur Ayodhya, P.S.- Pusa, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-03-2021

This matter was mentioned yesterday on a supplementary affidavit filed stating that mother of the petitioner has died on 15.3.2021 and he happens to be the only son. The matter has therefore been taken up out of turn today though it was listed nearly 120 cases below yesterday.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Government Official Case No. 146 of 2020 registered under Sections 30(a) and 56(b) of Bihar Prohibition and Excise Act, 2016.

Recovery is of 1170 liters country made wine from the vehicle from which the petitioner has allegedly been arrested.

It is submitted by learned Counsel for the petitioner that he has no criminal antecedent and is in custody since 14.8.2020. He was a bonafide passenger and had purchased the ride on the vehicle in



question for a sum of Rs. 200/- and has become victim of circumstances, though he has no connection with the recovered substance. The recovery is also not in accordance with law.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Act, Nawada in Government Official Case No. 146 of 2020 subject to 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

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

