

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8147 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- HAJIPUR District- Vaishali

Goltu Kumar @ Sunil Kumar aged about 22 years S/O Jhimilal Rai @ Rimjhim Rai Resident Of Village Adulbari, P. S. - Nagar Hajipur, District – Vaishali.

... .. Petitioner

Versus

The State Of Bihar

..... Opposite Party

Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

For the Opposite Party/s : sharda Kumari, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-05-2021 This matter is taken up for consideration through Video Conferencing.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 30, 32/38 of the Bihar Prohibition and Excise Act.

As per the prosecution case, on secret information raid was conducted and 5610.78 liters of foreign liquor was recovered from godown of the petitioner.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery. He submits that the place of recovery was owned by the brother of the petitioner who had earlier rented the same to one Rahul Kumar vide agreement dated 26.2.2020. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 27.9.2020.

Considering the facts and circumstances of the case and the fact that the petitioner has got clean antecedent, let the petitioner, above named, 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 Additional Sessions Judge II cum Special Judge, Excise Act, Vaishali at Hajipur in Nagar Police Station Case No. 364 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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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